In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

March 7, 2011

American Court Reporting Company, Inc.

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

* * *

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Pro Tem Donna Pittman, presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on Monday, March 7, 2011.

* * *

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APPEARANCES:
Doraville City Council:
Mayor Pro Tem Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Bob Roche
Councilmember Pam Fleming
Melissa McCain, City Clerk
Murray J. Weed, City Attorney

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P R O C E E D I N G S

MAYOR PRO TEM PITTMAN: Meeting come to order.

Tonight our pledge of allegiance is going to be led by Daniel Martinez from Sequoyah Middle School. We want to welcome him as well as the head counselor, Vanessa Truitt, from Sequoyah as well. If we could all please stand for the pledge.

- - -

(Pledge of allegiance)

- - -

MAYOR PRO TEM PITTMAN: Thank you.

COUNCILMEMBER BATES: Thank you, Dan.

MAYOR PRO TEM PITTMAN: If you could please join in in giving Daniel a round of applause.

- - -

(Applause)

- - -

MAYOR PRO TEM PITTMAN: And as a token of our gratitude for your time and for being such a good student, we would like to present you with this certificate of appreciation (presenting).

We're so proud of our schools and all of our students in Doraville, so thank you, Danny.

- - -

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(Applause)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR PRO TEM PITTMAN: We need to approve the minutes for February 22nd, 2011.

COUNCILMEMBER ALEXANDER: Motion to approve.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER PACHUTA: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

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CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you.
And at this time we're going to go into Executive Session for pending litigation. I guess we can step into the Mayor's office.
Well, we need to make a motion.
COUNCILMEMBER PACHUTA: I make a motion to move into Executive Session to discuss pending litigation.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll,

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please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
- - -
(Executive Session)
- - -
MAYOR PRO TEM PITTMAN: Do I get a motion to come out of Executive Session?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.

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CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: And a motion to go back into our regular meeting?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.

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CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Okay. Next on the agenda is going to be the Resolution Recognizing Leadership Dekalb's 25th Anniversary.
I would like the Council to join me in recognizing and congratulating Leadership Dekalb. First I want to thank the organization's executive director, Sarah Fountain, and the chairman of the board, Eric Greenwood, for being here tonight.
Thank you so much, and I'm sorry about the delay, sorry you had to wait.
Founded in 1986, the Leadership Dekalb Leader Development Program is a nonprofit organization for positive change which continues to annually train and build a network of ethnically diverse and well informed leaders and emerging leaders who are committed to addressing and resolving issues that impact the quality of life in Dekalb County.
For the past 25 years, Leadership Dekalb has helped to bring together about 950 leaders who are

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1 committed to making Dekalb County a better place to
2 live. This year marks their 25th anniversary.
3 So at this time, I would like the Council
4 members to make a motion -- someone to make a motion
5 to pass the resolution congratulating Leadership
6 Dekalb for their 25 years cultivating leadership
7 throughout the county.
8 COUNCILMEMBER ALEXANDER: So moved.
9 MAYOR PRO TEM PITTMAN: Do I get a second?
10 COUNCILMEMBER PACHUTA: Second.
11 MAYOR PRO TEM PITTMAN: Discussion?
12 - - -
13 (No response)
14 - - -
15 MAYOR PRO TEM PITTMAN: Call the roll,
16 please.
17 CLERK McCAIN: Councilmember Alexander?
18 COUNCILMEMBER ALEXANDER: Yes.
19 CLERK McCAIN: Councilmember Bates?
20 COUNCILMEMBER BATES: Yes.
21 CLERK McCAIN: Councilmember Fleming?
22 COUNCILMEMBER FLEMING: Yes.
23 CLERK McCAIN: Councilmember Pachuta?
24 COUNCILMEMBER PACHUTA: Yes.
25 CLERK McCAIN: Councilmember Roche?

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1 COUNCILMEMBER ROCHE: Yes.
2 MAYOR PRO TEM PITTMAN: Motion carries.
3 And at this time, I'd like to present this
4 resolution to Ms. Fountain (presenting).
5 MS. FOUNTAIN: Thank you so much. I really
6 appreciate your recognition of our program. It's very
7 important that we have governmental leaders -- and
8 we're really pleased to have John King and Luke Howe
9 here also.
10 Could I get a picture of John King with all
11 of you also?
12 Luke is in the current class and John's a
13 graduate.
14 CHIEF KING: Best class ever.
15 Congratulations.
16 - - -
17 (Applause)
18 - - -
19 COUNCILMEMBER FLEMING: Thank you.
20 MAYOR PRO TEM PITTMAN: Next on the agenda
21 is going to be the agreement with Improv ABC's/Parks
22 and Recreation. Gary?
23 MR. SCHUSSLER: Hi, everyone. I'm just here
24 tonight to seek Council's approval to implement a new
25 class within the Parks & Rec Department, Improv ABC's,

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1 which would be an acting fundamentals class. It's
2 actually implemented over within Chamblee Parks &
3 Rec's program offering, and Adam has sought us out as
4 an opportunity to offer another class, which I think
5 would be great, within our department
6 As of right now, we don't have anything like
7 it, and we would like to provide something along those
8 lines.
9 I don't know if you-all have any questions
10 about it or whether or not it pertains to anything
11 that you guys have.
12 COUNCILMEMBER ROCHE: I'd like to make a
13 motion to vote or to -- Is this a resolution or --?
14 MAYOR PRO TEM PITTMAN: It's a contract.
15 ATTORNEY WEED: It is a contract; approving
16 the contract.
17 COUNCILMEMBER ROCHE: I'd like to make a
18 motion to approve the contract for the Parks &
19 Recreation Department and Improv ABC's for their
20 program offering.
21 COUNCILMEMBER BATES: Second.
22 MAYOR PRO TEM PITTMAN: Discussion?
23 - - -
24 (No response)
25 - - -

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1 MAYOR PRO TEM PITTMAN: Councilmember
2 Alexander?
3 COUNCILMEMBER ALEXANDER: Yes.
4 CLERK McCAIN: Councilmember Bates?
5 COUNCILMEMBER BATES: Yes.
6 CLERK McCAIN: Councilmember Fleming?
7 COUNCILMEMBER FLEMING: Yes.
8 CLERK McCAIN: Councilmember Pachuta?
9 COUNCILMEMBER PACHUTA: Yes.
10 CLERK McCAIN: Councilmember Roche?
11 COUNCILMEMBER ROCHE: Yes.
12 MAYOR PRO TEM PITTMAN: Motion carries.
13 Thank you.
14 COUNCILMEMBER BATES: Thank you, Gary.
15 MAYOR PRO TEM PITTMAN: The next item on the
16 agenda is Time in Service for Amy Kilgore. Chief
17 King?
18 CHIEF KING: Good evening, members of the
19 City Council.
20 I wanted to bring to your attention a
21 situation with Amy Kilgore. She has been employed
22 with us since 2002, and she left for eight months.
23 She had a job opportunity and left the City and then
24 realized that this is home, so she got back eight
25 months later. And she's served -- you know, every day

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she's done an outstanding job in our radio department.
But the requirement is that I come and petition the City Council to allow for her previous -- credit of her previous time, to be given credit so she can -- so she has -- not for the eight-month gap but for the previous time that she served so she can get credit for vacation and seniority.
COUNCILMEMBER BATES: How many years was she with us prior to leaving?
CLERK McCAIN: I have her dates of --
CHIEF KING: 2002 to 2005, and then she's been -- she had eight months. She's got a total of seven years, and basically she had an eight-month gap between that term of service.
COUNCILMEMBER ROCHE: Were there any agreements made about -- verbal or written, in writing, when she did return, about being able to not lose any of her seniority?
CHIEF KING: Yes, sir. We told her -- because it had never been -- there's a standard procedure that if you had --
I'm a prime example of that. When I returned to the City after my -- I had a 13-month gap. But rightly so, the HR director and the finance director, you know, indicated that I need to come

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before the Council and make a formal request for that.
COUNCILMEMBER ROCHE: So there was no agreement during her rehiring or anything?
There was no agreement to pick up or anything different than what was in the employee manual?
ATTORNEY WEED: There's no written agreement that's come to my office.
CHIEF KING: No, there was no written agreement. We told her that we could come and petition the Council, and that's what we're doing.
COUNCILMEMBER FLEMING: So she was only out for eight months.
CHIEF KING: Yes, ma'am.
COUNCILMEMBER FLEMING: Of 2005 to 2006, she was only gone eight months, so 2006 to '11.
CHIEF KING: That's correct.
COUNCILMEMBER FLEMING: Is that what we're talking about?
Mr. Weed, I don't have the Employee Manual here, but if I'm not mistaken, we already have if an employee returns within five years' time, that their tenure -- they start at that point.
ATTORNEY WEED: I'll look it up. If you guys will conduct some other business, I'll look.

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COUNCILMEMBER FLEMING: I don't have it in front of me, and I thought --
ATTORNEY WEED: I've got it here.
COUNCILMEMBER FLEMING: -- when we originally did it --
CLERK McCAIN: I didn't have a question on it. I think Shanta is the one that had the issue with it because she wasn't considered a rehire at the time. It wasn't brought to her or Rhonda's attention that it was a rehire, whatever that means. That's all I know.
COUNCILMEMBER ROCHE: Either way, if it's not --
COUNCILMEMBER FLEMING: But I believe the period is five years.
I'm sorry. I didn't mean to cut you off.
ATTORNEY WEED: We'll find out.
COUNCILMEMBER FLEMING: And if that be the case, she should have started at X 3 years or whatever the tally would have been.
CHIEF KING: I mean as soon as we identified it, I think Shanta made it -- you know, she said, you know, that it's going to be an issue that the City Council needs to approve, so that's what we're trying to do.
MAYOR PRO TEM PITTMAN: Okay. We could go

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ahead and move on for the interest of time to number 4, the Northwoods Montessori School for the Fun Run Special Events Permit.
I do not see Miss Logan here tonight, but you have the information in front of you, and it's to approve the special events permit for this. It was approved last year. For some reason, they did not -- were not able to hold it, but time is of essence on this and they wanted us to go ahead and approve this.
Any questions or comments?
COUNCILMEMBER BATES: I didn't see the date.
MAYOR PRO TEM PITTMAN: Date of event is April 16th, 2011.
COUNCILMEMBER BATES: Chief, have you seen the Fun Run -- the Montessori Fun Run map?
CHIEF KING: No, I have not.
COUNCILMEMBER BATES: Do we require this to be signed off by the police department for traffic?
COUNCILMEMBER FLEMING: The only --
ATTORNEY WEED: Yes, the police have to sign off on it.
COUNCILMEMBER FLEMING: -- special permit we have available at this time, Mr. Bates, is just parades.
COUNCILMEMBER BATES: Is -- I'm sorry?

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COUNCILMEMBER FLEMING: (No verbal response)
COUNCILMEMBER BATES: Oh.
CHIEF KING: Yeah.
COUNCILMEMBER FLEMING: So no, we don't have anything like that.
MAYOR PRO TEM PITTMAN: Okay, Chief says he can manage that.
COUNCILMEMBER ROCHE: And for the record, it says that -- it looks like it begins at Wheeler and Raymond, goes up Raymond, around Brook Park Way and then back down Raymond and back to the church.
And this will be held during the day, obviously.
MAYOR PRO TEM PITTMAN: It's from 9:30 set-up start time. It's going to be from 11:00 to 11:30. Looks like a couple hours in the day.
COUNCILMEMBER FLEMING: Chief saw it?
MAYOR PRO TEM PITTMAN: He said yes.
COUNCILMEMBER BATES: I'll make a motion to approve the Montessori School Fun Run events permit.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)

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- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries. Murray, are we --
CLERK McCAIN: Are you still looking?
ATTORNEY WEED: I'm still looking.
MAYOR PRO TEM PITTMAN: Okay. We can move on to the next item, then. Actually, this is your item, though, Murray.
ATTORNEY WEED: Well, I will continue looking in just a minute.
MAYOR PRO TEM PITTMAN: Okay. Number 5 is Lift Hiring Freeze for Planning and Zoning Administrator.

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ATTORNEY WEED: Currently Council, as I understand it, is interested in hiring on a part-time basis Mr. John Bell, who is an experienced city planner.
The reason why this is before you is that currently you have a position that exists which is city planner, quote/unquote, and it is a budgeted position.
However, Perkins & Will did an analysis for the City, what would be an appropriate position as a stopgap position, and they have recommended rather than a city planner, a zoning administrator. With that, that position doesn't currently exist in the City; therefore, the City either way, whatever you do to fill the position even if it's part-time, will A., need to lift the hiring freeze that Council has adopted, and then B., approve the position and the position title. So that's before the Council tonight if you choose to do so.
COUNCILMEMBER BATES: I just --
COUNCILMEMBER ROCHE: What's the rate on this, hourly rate?
ATTORNEY WEED: Originally, there was a discussion about a contract prior to going into a decision at the administrative level to do it part-

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time.
If it had been a contract, the requested hourly rate was $80.00 an hour. I don't recommend that. I recommend that you make a determination of what the hourly rate was for the city planner and base the pay on that rate. And what that hourly rate was, I don't know. I would turn to the Clerk who's the human resource director, and perhaps she can tell you that.
COUNCILMEMBER ROCHE: But this is a temporary part-time employee?
ATTORNEY WEED: Correct.
MAYOR PRO TEM PITTMAN: Correct.
COUNCILMEMBER ROCHE: So there's no expectation of working past, you know, once we replace -- or not replace -- once we create the new position and fill that new position, then they're under -- you know, everyone understands.
ATTORNEY WEED: Mr. Bell is here. I think he is interested in applying for the position that has been posted. However, he can speak for himself on that. That's just my understanding from him.
COUNCILMEMBER ROCHE: But obviously the position itself will go through the normal -- you know, we're already advertising, I believe, for --

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1 ATTORNEY WEED: Absolutely, that's correct.
2 COUNCILMEMBER ROCHE: -- for a development
3 director.
4 MAYOR PRO TEM PITTMAN: Absolutely.
5 ATTORNEY WEED: In point of fact, while
6 we're going through this exercise, the position that
7 was posted doesn't use the term "city planner" either.
8 COUNCILMEMBER ROCHE: Right.
9 ATTORNEY WEED: And that position doesn't
10 have the same title as the position you'd be approving
11 tonight. So technically, in my opinion, you need to
12 approve both titles, which are different from one
13 another. One is truly a stopgap interim zoning
14 administrator role, and the other apparently,
15 according to my understanding of the posting,
16 envisions something larger than that.
17 COUNCILMEMBER ROCHE: The development
18 director.
19 ATTORNEY WEED: Correct. That's my
20 understanding.
21 COUNCILMEMBER ROCHE: Director of planning
22 and development.
23 COUNCILMEMBER BATES: And the reason why we
24 didn't want this to be a contract position?
25 ATTORNEY WEED: It's -- You can certainly do

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1 that. Frankly, it's easier on the individual.
2 Obviously if you enter into a contract with the City,
3 we require liability insurance of up to a million
4 dollars; you've got to get e-verified. You have to
5 get a number for that. You've got to sign all the
6 affidavits. It's frankly easier to hire people as
7 part-time employees. However, that's easier for them,
8 not necessarily easier for us.
9 COUNCILMEMBER BATES: Well, and this is
10 where I probably should have asked the question ahead
11 of time, and I apologize. I was under the impression
12 that Mr. Bell was being provided to us by Perkins &
13 Will as an agreement between us.
14 MAYOR PRO TEM PITTMAN: He was recommended
15 by Perkins & Will.
16 COUNCILMEMBER BATES: Got it. Okay. Thank
17 you.
18 MAYOR PRO TEM PITTMAN: And I believe you
19 got some reference checks back today. His criminal
20 background came back fine; there was nothing.
21 CLERK McCAIN: Correct. I left those on
22 your desk in front you, what the references had said
23 about Mr. Bell. And the hourly rate for the prior
24 planner was $29.81 an hour.
25 COUNCILMEMBER PACHUTA: But that doesn't

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1 factor in benefits.
2 CLERK McCAIN: Correct.
3 COUNCILMEMBER ROCHE: But as a part-time,
4 would you get benefits?
5 COUNCILMEMBER PACHUTA: No.
6 MAYOR PRO TEM PITTMAN: No.
7 COUNCILMEMBER ROCHE: So --
8 MAYOR PRO TEM PITTMAN: And I believe
9 originally -- Is it okay if I ask him? I have it. I
10 think it was $80.00. Well, originally, it was $150.00
11 and then it was $120.00, and then he was amenable to
12 the $80.00 an hour.
13 ATTORNEY WEED: By the time it got to me, it
14 was $80.00.
15 COUNCILMEMBER FLEMING: So we're going --
16 we're going to -- What you're requesting, Ms. Pittman,
17 is to hire him part-time at $80.00 an hour?
18 MAYOR PRO TEM PITTMAN: Well, that's up to
19 y'all, but part-time.
20 COUNCILMEMBER ROCHE: Part-time temporary.
21 MAYOR PRO TEM PITTMAN: Temporary. Part-
22 time temporary, and he understands that.
23 COUNCILMEMBER ALEXANDER: I guess the last
24 conversation I was party to was we were going to have
25 a contract to review this evening.

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1 ATTORNEY WEED: I did begin to draft one,
2 and in my conversations with the Mayor, the Mayor
3 elected to -- and also based upon a conversation with
4 Mr. Bell, the Mayor elected to pursue part-time
5 employment instead.
6 COUNCILMEMBER ALEXANDER: But the
7 compensation for part-time employment evidently wasn't
8 discussed.
9 ATTORNEY WEED: Yes, ma'am, it was
10 discussed. Mr. Bell would prefer being paid $80.00 an
11 hour; however, we told him that that would probably
12 not be likely and rather it would be the hourly rate
13 that the city planner had been paid. At least that's
14 the conversation I heard while I was in the room.
15 COUNCILMEMBER PACHUTA: Did you have that
16 conversation?
17 MAYOR PRO TEM PITTMAN: We had the
18 conversation, but I thought -- my understanding was
19 that he was insistent on at least $80.00 an hour.
20 ATTORNEY WEED: He would prefer that.
21 MAYOR PRO TEM PITTMAN: Right.
22 ATTORNEY WEED: He's here. You can ask him
23 directly.
24 MAYOR PRO TEM PITTMAN: Mr. Bell, would you
25 like to speak?

Page 25

MR. BELL: My name is John Bell. I was approached in the middle of last week about assisting the City of Doraville with some what I understand to be essentially zoning issues. And my original discussion with Ms. Pittman, Mayor Pittman, were that we would do this on a contract basis.

I have in the past undertaken work at the contract rate of $150.00 an hour. Mayor Pittman and I discussed that, and recognizing that it was unlikely that the City of Doraville would be prepared to pay that kind of compensation, we settled on $80.00 an hour, which is what I was paid by my most recently employer.

I understand that the position is temporary until a permanent position or person is hired. I have been given the opportunity to apply for that position, and I understand obviously that the compensation for the permanent position would be as specified in your classification study or whatever documents cover.

But insofar as the temporary employment, I do not recall that there was any discussion that that would be at a rate other than the $80.00.

ATTORNEY WEED: And I recall it quite distinctly, but that's fine. Reasonable people sometimes differ.

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MR. BELL: And you know, if I'm going to undertake this, I want to do it at a rate of compensation that I think I'm worth, quite frankly, and I would be disinclined to do it at a substantially lower rate.

COUNCILMEMBER FLEMING: Mr. Bell, let me ask you a question. Since you've had an opportunity to assess -- Were you the gentleman that assessed for Perkins & Will for us or they did the assessment?

MR. BELL: No. What happened is that I received a call from a gentleman at Perkins & Will who's a friend who -- he and I worked together at a different firm, and he told me that Perkins & Will had been working for the City of Doraville, that, as I understood what he said, was that the City of Doraville had approached Perkins & Will looking for assistance with some of these zoning issues, and they felt that that was not in their particular area of expertise and -- The gentleman's name is Jeff Boyd. And what Jeff said to me was that he had told I guess Mayor Pittman or whoever he was talking to, that while Perkins & Will didn't have the kind of expertise, he knew someone that did.

And he called me and asked me if it would be okay to give my name to Mayor Pittman, and I said yes.

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And she called me, I guess, Wednesday and we talked, and I came in and met with her on Wednesday afternoon.

So I am not nor have I ever been employed by Perkins & Will. I have an extensive background in zoning issues and zoning administration with various municipalities in the area. I was retired as the zoning administrator for the City of Atlanta, and I have also worked in Rockdale County and Dekalb County in a zoning capacity and have spent the last five years with the architectural firm Lord Aeck & Sargent, doing entitlement issues for their clients which is essentially zoning from the other side.

COUNCILMEMBER FLEMING: Okay. Let me -- I don't mean to stop you but let me ask another question. So you personally have not assessed the department as it is today; is that correct?

MAYOR PRO TEM PITTMAN: Can I interject there? Actually Perkins & Will at no cost to us came out on that Monday to do an assessment of what they might need and if they could assist us. They said they could not assist us but they thought what we would need at this point until we hired someone permanently would be a zoning administrator to help move the stuff out, to keep it flowing until someone comes in. He came highly recommended by them, and

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that's when we contacted him.

COUNCILMEMBER FLEMING: Okay.

COUNCILMEMBER PACHUTA: Murray, since this is the potential hiring of a part-time employee, would it be appropriate to go into Executive Session for us to discuss?

ATTORNEY WEED: Yes. You can't take any evidence; however, if you wanted to debate it, you have every right to do that in Executive Session.

COUNCILMEMBER PACHUTA: I'd like to make that motion to go into Executive Session to discuss hiring of personnel.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

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COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Thank you, Mr. Bell.
- - -
(Executive Session)
- - -
MAYOR PRO TEM PITTMAN: Motion to come out of Executive Session?
COUNCILMEMBER PACHUTA: So moved.
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries. Motion to come back into regular meeting?
COUNCILMEMBER PACHUTA: So moved.
MAYOR PRO TEM PITTMAN: Second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.

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MAYOR PRO TEM PITTMAN: Okay. I need a motion to lift the hiring freeze.
COUNCILMEMBER PACHUTA: Motion to lift the hiring freeze for a planning and zoning administrator.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER ROCHE: Just as to modify it to part-time temporary zoning administrator.
COUNCILMEMBER PACHUTA: I'll modify my motion.
MAYOR PRO TEM PITTMAN: Okay. Do you --?
COUNCILMEMBER ALEXANDER: Modify the second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: And I need a motion to --
COUNCILMEMBER PACHUTA: Yeah. I'll make a motion to hire John Bell as the temporary part-time planning and zoning administrator at the rate of $80.00 an hour not to exceed 25 hours a week unless prior approval is received from the Mayor.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER ROCHE: I believe that we could probably get a much better rate than that with current economic conditions.
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.

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CLERK McCAIN: Councilmember Pachuta?
MAYOR PRO TEM PITTMAN: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR PRO TEM PITTMAN: Motion carries.
MAYOR PRO TEM PITTMAN: Okay. Now we need a motion to --
COUNCILMEMBER PACHUTA: Lift the hiring freeze for -- I'm sorry. How did we specify in the ad?
CLERK McCAIN: Director of planning and development.
COUNCILMEMBER PACHUTA: -- to hire a director of planning and development.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER ROCHE: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER FLEMING: Okay. Repeat the motion?
COUNCILMEMBER PACHUTA: That we lift the hiring freeze to hire a director of planning and development.
COUNCILMEMBER FLEMING: We need to create the position first.
ATTORNEY WEED: I think that was the

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Councilman's intent, but I like that wording --
COUNCILMEMBER PACHUTA: Okay.
ATTORNEY WEED: -- better, frankly.
COUNCILMEMBER PACHUTA: Okay. Make a motion that we lift the hiring freeze, create the director of planning and development position.
COUNCILMEMBER ROCHE: And I'll still second it.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.

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Okay, Mr. Bell. Thank you. I guess 8:30 to 1:00?
CLERK McCAIN: -- thirty.
MAYOR PRO TEM PITTMAN: -- thirty. 8:30 to 1:30. Okay.
MR. BELL: Thank you.
MAYOR PRO TEM PITTMAN: Thank you so much. You're welcome.
ATTORNEY WEED: Tomorrow, in fact.
MAYOR PRO TEM PITTMAN: In the morning.
MR. BELL: Thank you very much.
COUNCILMEMBER BATES: Thank you, sir.
MAYOR PRO TEM PITTMAN: Thank you so much. Okay. Do we have the information yet that we need?
ATTORNEY WEED: Well, yes, ma'am. The information is there is no information.
I've done a thorough search and I've looked at the amendments and I can't find anything that specifies it anywhere.
COUNCILMEMBER FLEMING: Under rehire in our book itself?
ATTORNEY WEED: There's no section that I can find that specifies.
CHIEF KING: Yeah. The department's got

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probably some additional information.
LIEUTENANT BRYAN: I am Lieutenant Bryan, I'm Amy Kilgore's supervisor, and I just wanted to recap because I think you're kind of confused. I'm sorry.
She was hired January 2002. She left January 2005. She came back in 2005. When she came back, she came back with her years of service and her salary. Nothing was broke. And she's been going that way all the way up until January of this year when she was given PTO vacation days as if she was a six-year employee when she's actually been here seven. Well, eight.
So the only thing I'm asking is does she get the two years back on the books. Has nothing to do with the money or anything. It's just her vacation and sick time.
MAYOR PRO TEM PITTMAN: Okay. Thank you.
LIEUTENANT BRYAN: That's where the confusion is.
MAYOR PRO TEM PITTMAN: Okay.
LIEUTENANT BRYAN: She's just -- Okay.
MAYOR PRO TEM PITTMAN: Okay. Thank you.
ATTORNEY WEED: The only thing in the policy with regard to rehire is that if you leave and you're

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1 rehired, you have to go through another probationary
2 period, that type of thing. That's all.
3 COUNCILMEMBER FLEMING: But it doesn't
4 indicate that time in service is ...
5 ATTORNEY WEED: No, ma'am. It's not in
6 there now.
7 COUNCILMEMBER ALEXANDER: But this manual
8 wasn't in effect in 2005.
9 ATTORNEY WEED: That is correct. There was
10 a manual in effect but not this one.
11 MAYOR PRO TEM PITTMAN: Okay.
12 COUNCILMEMBER ROCHE: Well, clearly we need
13 to fix that in our employee manual. We need to set a
14 time period, maybe three months or six months or
15 something.
16 But since we have nothing, since it's silent
17 on it, I guess I'll make a motion that we restore the
18 total time in service for the time actually worked for
19 this employee along with and ask the city attorney to
20 draft a change to --
21 Well, let's just make it one motion and keep
22 it simple.
23 MAYOR PRO TEM PITTMAN: Okay. Do I get a
24 second?
25 COUNCILMEMBER FLEMING: Second.

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1 MAYOR PRO TEM PITTMAN: Discussion?
2 - - -
3 (No response)
4 - - -
5 MAYOR PRO TEM PITTMAN: Call the roll,
6 please.
7 CLERK McCAIN: Councilmember Alexander?
8 COUNCILMEMBER ALEXANDER: Is that clear
9 enough to answer the finance director's concerns?
10 CLERK McCAIN: I can't speak for her, but I
11 believe that was just one of her concerns, that it
12 wasn't -- she did not look at it as a rehire; it was a
13 new employee.
14 COUNCILMEMBER ROCHE: Do I need to reword
15 the motion or something?
16 COUNCILMEMBER ALEXANDER: No, I'm just --
17 You know, this happened in 2005 and I'm trying to
18 figure out why we're addressing it now in 2011.
19 COUNCILMEMBER ROCHE: Well --
20 COUNCILMEMBER ALEXANDER: My vote is yes.
21 CLERK McCAIN: Councilmember Bates?
22 COUNCILMEMBER BATES: Yes.
23 CLERK McCAIN: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK McCAIN: Councilmember Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.
2 CLERK McCAIN: Councilmember Roche?
3 COUNCILMEMBER ROCHE: Yes. Thank you.
4 MAYOR PRO TEM PITTMAN: Motion carries.
5 Thank you.
6 COUNCILMEMBER ROCHE: I'd like to make a
7 second motion that we add to the next agenda to
8 address the issue of breaks in service and maybe set a
9 time period to be decided next -- later.
10 COUNCILMEMBER ALEXANDER: There are some --
11 I had been speaking to Ms. Fleming. There are some
12 concerns that we have with the Employee Manual, and I
13 think it's more of a that-needs-to-be-added-to-the-
14 list --
15 COUNCILMEMBER ROCHE: That's fine.
16 COUNCILMEMBER ALEXANDER: -- kind of thing.
17 COUNCILMEMBER ROCHE: That's fine.
18 COUNCILMEMBER ALEXANDER: She and I had
19 spoken about forming a committee with some of the
20 employees and getting -- hearing their concerns and
21 trying to address some of the things.
22 One of the things that we had come up is it
23 was not written in the Employee Manual about how to
24 handle if you're-told-to-stay-home-during-the-storm
25 pay. It wasn't in there that you could take your PTO.

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1 That was just one example. And there are some other
2 examples in there that we thought needed to be
3 addressed and possibly clarified.
4 COUNCILMEMBER ROCHE: I withdraw my motion.
5 MAYOR PRO TEM PITTMAN: All right. Next
6 item on the agenda -- well, next item on the agenda is
7 number 6, Doraville Days. Ms. Fleming?
8 COUNCILMEMBER FLEMING: Yes. 2008 and '09,
9 we did have Doraville Days with a full-fledged --
10 excuse me -- restaurants and a road race; we had jump-
11 and-slides and so forth and so on.
12 And of course our budgetary situation last
13 year, we decided not to have it in hopes that those
14 monies would help the general budget. However, we did
15 go ahead and go through and have the road race. I
16 believe the police department, though I don't recall
17 what, but I believe they had some type of a child
18 advocacy program on that day. I know that there was
19 health fairs and there was the book sale. So it was a
20 scaled-down Doraville Days.
21 And what I am asking the Council to consider
22 this year is a full-fledged Doraville Days with road
23 race for October the 15th, which is the third Saturday
24 in October.
25 And I e-mailed all of the Council because if

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you did not have an opportunity to go to the LCI presentation on Wednesday night, there's an economic -- there's a market -- markets and economics section of the LCI, and it's promoting multi-cultural understanding through events program. And Caleb had mentioned that one of the things that he thinks that Doraville should do is to have a Taste of Doraville to promote area restaurants and the farmers market. And I don't need to read the rest of it. I believe that the Council has already read it. So it's even being commented through the LCI that we should promote something like this.

So I would like to make a motion for a full-fledged Doraville Days for October 15th, 2011, to include the road race and everything we had for the first two years.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER BATES: Second.

MAYOR PRO TEM PITTMAN: Discussion?

COUNCILMEMBER ROCHE: Yeah. It says budget impact $20,000. Where did we get that from? Is that just an estimate or --

COUNCILMEMBER FLEMING: That's an estimate. And the reason why I put budget impact there, right now I don't know what is in the special events nor in

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the hotel/motel revenue at this point. I do not know what that might be.

COUNCILMEMBER ROCHE: Yeah, and I don't have the balance sheet.

COUNCILMEMBER FLEMING: And I believe based on our expenditures out of the hotel/motel revenue from the previous two years, was it not around that figure, Mr. Bates?

COUNCILMEMBER BATES: Well, actually the hotel/motel tax dollars that we sent to Dekalb County or we have sent to Dekalb County is in the mid-thirties every year.

I don't know how that's going to be impacted by the conversion of the hotel from Holiday Inn to an off brand, so I don't know that we can necessarily count on that same amount.

The biggest line items on the Doraville Days were the stage for the bands and the tent rental. Those were the two biggest-ticket line items, and combined, those ran about eight or nine thousand.

So you know, if we eliminated the stage, then we're, you know, taking away a draw, an entertainment draw. You know, there's some cost savings there. The tents are a necessity for heat and weather and uniformity and those types of things.

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The other option would be to look at outsourcing it to a private vendor much like what other festivals do. A Taste of Chamblee, A Taste of Dunwoody, Alpharetta Days, they all use private vendors to put on the event, and then they're responsible for taking care of all the equipment and things like that. So we've just not explored that as an option.

COUNCILMEMBER ALEXANDER: Have we checked with Parks & Rec to see if that day is good for a road race? because I know they always try to be sensitive to other road races in the area.

COUNCILMEMBER FLEMING: October 15, that's -- The sooner you get it on the calendar, the better off you are, because then there are other cities that come in after ours. Last year when we got ours in there really early, there were still races that came in after ours that were on the same date. So we were at fine at that point when I started talking about this in January.

COUNCILMEMBER BATES: Just as an FYI, Taste of Chamblee has moved from the summer to the fall. They're middle of September. I think it's the 10th but it could be the 17th of September.

COUNCILMEMBER ROCHE: Before I lived in

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Doraville, I came up here all the time to eat. I used to live down the street. I mean a Taste of Doraville is a nice idea.

I assume we could have a car show this year too? I think it's an investment and I think we need to demonstrate that we can be a better Doraville and that we're starting on that path, so I would think that's . . .

MAYOR PRO TEM PITTMAN: Okay. We have a motion and a second. Additional discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

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MAYOR PRO TEM PITTMAN: Motion carries.
COUNCILMEMBER FLEMING: Thank you very much.
MAYOR PRO TEM PITTMAN: The next item is going to be Shriner's Circus. Ms. Fleming?
COUNCILMEMBER FLEMING: Yes. I'm trying to help out the Shrine Children's Hospital through our annual participation in the advertisement for the Shrine Circus program. I believe we're probably done this for the past 30 years as far as the advertisement is concerned, as well as, as I've mentioned before, the City itself has been an active supporter in the Shrine Children's Hospitals and through that 30-year period has contributed over a million dollars to the hospitals.
And the advertisement is $1,100 and it's a full-page ad and it lists the City of Doraville and all the Councilmembers, Police Chief, et cetera, and the expenditure is $1,100.
COUNCILMEMBER PACHUTA: I wasn't aware that the City did that. I personally have a problem with the City using general funds to give directly with --
Like the Children's Hospital, the road race, that came from participant funds. The participants paid knowing that their money was going to Children's Hospital. And I know in the past, we've had drives in

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the lobby where people could donate clothes and stuff if they chose to give to that charity.
And that is my preference always rather than just use general City funds to go to a particular charity -- to be able to either have something, a collection where residents could choose; if that's where they wanted the money to go for charity, that they could do that. But I really do not like the idea of general City funds choosing one charity over another.
MAYOR PRO TEM PITTMAN: Additional discussion?
COUNCILMEMBER ROCHE: I see where we can get a full page but it's not glossy, for $550.00.
COUNCILMEMBER PACHUTA: If individual Council members want to donate money to put up an ad, but I really do not think that should be a general fund expense.
COUNCILMEMBER ROCHE: I know we've done this every year for a long time. Frankly, I was never completely comfortable with it either for, frankly, the reasons that Councilwoman Pachuta mentioned.
ATTORNEY WEED: And I have absolutely no position on this other than legally, it's not illegal as long as it's a quid pro quo exchange. If you're

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buying something -- in this case, an ad -- that's legal. Whether you do it or not is entirely up to Council.
COUNCILMEMBER ROCHE: I would prefer if we do this --
Is this the actual ad?
COUNCILMEMBER FLEMING: Yes.
COUNCILMEMBER ROCHE: I would prefer if we do this, to not list the names of the Councilpeople and the Mayor, because then that to me just looks something like politics or something.
COUNCILMEMBER BATES: I'm not -- I haven't been in favor of this since I've been on Council. My personal opinion is that if we're going to be giving money to a charity, I think we need to A., keep it local --
COUNCILMEMBER ROCHE: Right.
COUNCILMEMBER BATES: -- but B., we need to have it -- if we're going to do this, it needs to fit within the overall mission and vision of the City, which we don't have.
I'm not in favor us taking taxpayer dollars and giving them out to an organization that may not be consistent with the values, mission and vision of the City.

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They're a great organization. The Children's Shrine Hospital is a phenomenal entity. The burn center is an amazing facility, but we've also got local facilities that do just as good a work. So I'm not going to be able to support this.
COUNCILMEMBER ROCHE: I would be happy with obviously extending an invitation to them to show up at our Doraville Days and, you know, attempt to do something like that, but.
It's a toughie, I feel like Scrooge, but I'm afraid I can't ...
COUNCILMEMBER FLEMING: Well, I'm going to let you put your Scrooge to a vote, because I'd like to make a motion to continue our donation of $1,100 to purchase an ad in the Shrine Children's Circus program.
MAYOR PRO TEM PITTMAN: Do I get a second? No second?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Okay. Motion dies.
COUNCILMEMBER ROCHE: Sorry.
COUNCILMEMBER FLEMING: Boy, that's even worse.

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1 MAYOR PRO TEM PITTMAN: Okay. The next item
2 is going to be the Resolution - Pain Management
3 Moratorium. Chief King?
4 CHIEF KING: Members of the City Council, I
5 think Attorney Weed has worked the language, and I
6 respectfully request that you vote on the moratorium
7 so it can be implemented.
8 COUNCILMEMBER ROCHE: I just have one
9 question. Someone brought up a question earlier about
10 -- Is it physician's assistant?
11 COUNCILMEMBER PACHUTA: It's the new one
12 that we have on our desk.
13 COUNCILMEMBER ROCHE: Okay.
14 COUNCILMEMBER PACHUTA: It's the new one
15 that's on our desk.
16 COUNCILMEMBER ROCHE: Right.
17 COUNCILMEMBER PACHUTA: It was e-mailed to
18 us this afternoon.
19 COUNCILMEMBER ALEXANDER: I've got
20 questions, Mr. Weed, sort of relating to this. Do we
21 need to do some text amendments to our zoning code to
22 also assist with this item?
23 ATTORNEY WEED: Yes, ma'am, that's my
24 opinion.
25 COUNCILMEMBER ALEXANDER: Because I was -- I

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1 was just reading through it, and some of our...
2 We aren't consistent in -- I mean we
3 specified that a massage therapist has to be licensed
4 by the State of Georgia but we don't specify a
5 physician has to be licensed by the State of Georgia
6 in some of our definitions.
7 And I just wanted to make sure that we
8 reiterate some of our concerns in our zoning. We have
9 intermediate medical care facility, outpatient
10 services only, but it doesn't even mention them having
11 to have a physician on staff.
12 So I just want to make sure that we follow
13 through, because I feel -- and I apologize, Chief --
14 that I mentioned this problem over a year ago, and I
15 don't know if I wasn't heard or if I didn't speak loud
16 enough that action wasn't taken back then. So I
17 apologize to you that you're having to take the
18 initiative on this.
19 CHIEF KING: That's okay, ma'am.
20 COUNCILMEMBER ALEXANDER: I need to speak
21 louder the next time, I suppose.
22 CHIEF KING: The fact is, you know, when the
23 applicant came to the City, I just happened to be at
24 City Hall and saw the permit and the bells started
25 ringing. I was not present when this discussion was

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1 taking place.
2 But I'm trying to look at from this point
3 forward and trying to remedy -- trying to at least get
4 a halt to any additional facilities and to buy us time
5 so we could then develop the zoning, all of the -- you
6 know, to try to cover every potential corner and also
7 to give the State of Georgia Legislature an
8 opportunity to pass the law that's been languishing
9 there at the State Legislature.
10 COUNCILMEMBER ROCHE: So what's the status
11 of the people? They applied? It's my understanding
12 they applied. They got what? Sign-offs, I mean?
13 CHIEF KING: Yes, sir. The applicants -- I
14 mean the applicants made their application in time.
15 They haven't opened yet but --
16 COUNCILMEMBER ROCHE: It was made when? In
17 December?
18 CHIEF KING: I believe so; yes, sir.
19 COUNCILMEMBER ROCHE: So they've got through
20 the zoning appropriateness, obviously --
21 CHIEF KING: Yes.
22 COUNCILMEMBER ROCHE: -- back in...? Okay.
23 CHIEF KING: I think the zone --
24 COUNCILMEMBER ROCHE: So there's nothing
25 we...This won't prevent them.

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1 CHIEF KING: Well, not them, sir, but I'm
2 trying to stop future ones. We will -- you know, if
3 they're breaking the law, if they're doing it, you
4 know, in other counties, we will apply, you know,
5 obviously, our resources to make sure that they're not
6 breaking other laws. But yeah, they got through.
7 COUNCILMEMBER BATES: Mr. Weed, if we do
8 what Dunwoody has done that puts a regulatory piece on
9 these, would that retroactively apply to the existing?
10 Hypothetically they open and hypothetically
11 we put a regulatory requirement that requires there to
12 be an on-site physician or some other requirements
13 that are out there, retroactively would that apply to
14 this business, hypothetically?
15 ATTORNEY WEED: It won't zoning-wise.
16 COUNCILMEMBER BATES: Right, but --
17 ATTORNEY WEED: There's nothing that can be
18 done about that.
19 COUNCILMEMBER BATES: But from a regulatory
20 standpoint.
21 ATTORNEY WEED: But from the regulatory
22 aspect, it would apply. That's just like changing a
23 speed limit sign.
24 COUNCILMEMBER BATES: One of the things that
25 I want to do during this moratorium, and sooner rather

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1 than later, is put some of the regulatory things, as
2 Ms. Alexander has mentioned, to require an on-site
3 physician, to require some other things that will help
4 to eliminate just a plain pill dispensation factory.
5 I'm in favor of this motion. In fact, I'll
6 make the motion to adopt the one-year moratorium on
7 the issuance of any certificate of occupancy,
8 development approval and building inspection for pain
9 management clinics.
10 COUNCILMEMBER PACHUTA: Second.
11 MAYOR PRO TEM PITTMAN: Discussion?
12 COUNCILMEMBER FLEMING: I just have a couple
13 questions now. As I understand it, we do not have --
14 and we wouldn't have, because we don't have them right
15 now -- we would not have this specific item as a use
16 in any of our zones but they're coming in as clinics.
17 Is that correct?
18 CHIEF KING: That is correct, ma'am.
19 COUNCILMEMBER FLEMING: Okay. And we have
20 no regulatory requirements, if I'm understanding our
21 conversation this evening, for the term "clinic." So
22 that's going to be too wide, I think, if we just say
23 clinic.
24 COUNCILMEMBER BATES: Well --
25 COUNCILMEMBER FLEMING: So I'm concerned

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1 about that.
2 And the other question I had is Ms. Pittman,
3 do you have any idea since this came to light -- or
4 Chief, do you know -- whether there is indeed a
5 physician that will be in the confines of this
6 particular --
7 CHIEF KING: No, ma'am.
8 COUNCILMEMBER FLEMING: -- business, and, if
9 so, are they Georgia certified?
10 CHIEF KING: They have a -- they have a
11 physician on their application. It's a physician out
12 of Atlanta. We will have to determine that through
13 follow-up and discussing this --
14 COUNCILMEMBER FLEMING: Okay.
15 CHIEF KING: -- with the applicants. But
16 there is a physician, he has a Georgia license, and
17 we're doing our due diligence and checking --
18 COUNCILMEMBER FLEMING: Okay. Thank you.
19 CHIEF KING: -- those people too.
20 COUNCILMEMBER FLEMING: Okay.
21 COUNCILMEMBER ALEXANDER: He is also listed
22 with the Secretary of State on their incorporation
23 papers.
24 ATTORNEY WEED: And just as a point of
25 information, when we get into attempting to regulate

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1 these operations, we'll have to be careful that we're
2 not regulating the practice of medicine. 48-13-9 flat
3 out says we can't do that, so just bear that in mind.
4 It's a careful distinction we're going to have to
5 make.
6 CHIEF KING: If there was a doctor present
7 and they were dispensing drugs in a proper legal --
8 We have other avenues to go after that and
9 we have a very good relationship with drug enforcement
10 and administration, and they look into. And also --
11 the Georgia Bureau of Narcotics, they look at doctors
12 overdispensing prescription drugs. So there's avenues
13 of going after these individuals if they -- and a
14 doctor on -- as you've heard, there was a doctor
15 recently indicted in North Georgia for doing the same
16 thing.
17 COUNCILMEMBER ROCHE: Right.
18 CHIEF KING: So we have avenues to go after
19 them.
20 MAYOR PRO TEM PITTMAN: Additional
21 discussion?
22 - - -
23 (No response)
24 - - -
25 MAYOR PRO TEM PITTMAN: Call the roll,

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1 please.
2 CLERK McCAIN: Councilmember Alexander?
3 COUNCILMEMBER ALEXANDER: Yes.
4 CLERK McCAIN: Councilmember Bates?
5 COUNCILMEMBER BATES: Yes.
6 CLERK McCAIN: Councilmember Fleming?
7 COUNCILMEMBER FLEMING: Yes.
8 CLERK McCAIN: Councilmember Pachuta?
9 COUNCILMEMBER PACHUTA: Yes.
10 CLERK McCAIN: Councilmember Roche?
11 COUNCILMEMBER ROCHE: Yes.
12 MAYOR PRO TEM PITTMAN: Motion carries.
13 CHIEF KING: Thank you-all very much.
14 MAYOR PRO TEM PITTMAN: Okay. We're going
15 to do Department Reports and Public Comments and then
16 we're going to take a five-minute break before we get
17 into Old Business.
18 Department Reports? None.
19 Okay. Public comments on agenda items only.
20 Please limit your comments to three minutes, and if I
21 can get you to line up at the podium if you wish to
22 speak.
23 MR. NOONAN: John Noonan, Winters Chapel. I
24 would like to see the City Council exempt our police
25 department from the hiring freeze. They currently

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have several vacancies. This is a matter of public safety concern. Thank you.

MAYOR PRO TEM PITTMAN: Thank you.

Mr. Anderson?

MR. ANDERSON: A good discussion we just had about the pill mill thing. I just question or I ask you to question other terms besides "clinic," reference Murray's comment about regulating medical, but perhaps there are other terms that John knows of that might be added to our moratorium so that if some other terminology for a business comes in and slips by. Thank you.

MAYOR PRO TEM PITTMAN: Thank you.

MR. HART: Tom Hart.

The new person you just hired, on an annual basis, it's $166,000 a year, so I hope he doesn't work a lot of hours each week. The person he replaced I think was making $58,000.

Design guidelines, which is probably the reason why the other guy got fired. But anyway, you talked last week about you needed some metal on the buildings and you're going to wrap metal around the buildings, and you made this new . . .

Well, the design guideline doesn't -- we're talking about the facades on the buildings, okay,

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whether it be brick, hearty plank. We're talking about the size now; we're not talking about the roof. The roof is a separate item. That could be metal. And then you guys got in an argument about the colors. Are you talking about a brick facade or stone facade or a combination thereof. We're not talking about block or concrete or steel because that's the structure of the building. The outside brick facade is just a curtain wall, okay? It could be on a steel building, it could be on a block building or a concrete building. You say there's no block in the structure, then you don't have a building. It's just the outer layer we're talking about.

I bring that up now because you're going to have that discussion, and I don't think y'all know what you're talking about. Thank you.

MR. CRAWFORD: Item No. 6 and item No. 12.

CLERK McCAIN: Sir, could you state your --

MR. CRAWFORD: On item No. 6 --

CLERK McCAIN: Could you state your name for the record, please.

MR. CRAWFORD: Yeah. Ben Crawford, Oakcliff Estates.

On design guidelines, I remember at the last meeting that Brian brought up -- Councilmember Bates

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brought up Caleb talked about the architectural designs that were submitted to the Planning Commission, I assume the City Council, and how they were too restrictive.

So I was at the last LCI meeting, and I was a little bothered by what Caleb said at the meeting. He said we'd have design guidelines for over at the GM property, which would be a separate thing -- which I understood, fine -- but he also made a remark that we should lower our standards, I mean if I'm quoting him exactly, that they shouldn't be as high as other places that have higher design standards.

And I don't think that should be the case. I think we should have started where we were and worked with those standards. They were written up as a beginning point.

And I think if you would look at the remarks that Joe and I, that Joe and the rest of the Planning Commission put forth was that this was a good starting point. It didn't mean that everything had to be there; it was something work with. That's what our recommendation was: to work with what you had.

But I talked to him about that remark that he made, and I don't know. I think it was a little out of place, and considering it was on the LCI, you

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know, thing over there. But anyhow, we don't need to lower our standards. We need good standards but not lower standards.

And item No. 12, the only thing I have to say about that is that if we have zoning that's inappropriate in R-1, in R-1 zoning, there shouldn't be an occupational placard issued for that certain individual. Last year, some issues involved. I think it should have been withdrawn then, and I don't think it should be issued at this time. Thank you.

MAYOR PRO TEM PITTMAN: Thank you.

All right. We've going to take a five-minute break.

- - -

(Brief recess)

- - -

MAYOR PRO TEM PITTMAN: If we could possibly get Steven moved up to the top to go ahead and get him out of here so he does not have to sit through all this. Do I get a motion?

COUNCILMEMBER PACHUTA: So moved.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

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(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Just to clarify, we're going to move --
MAYOR PRO TEM PITTMAN: It's No. 7
COUNCILMEMBER FLEMING: -- No. VIII-7 up to VIII-1. Is that correct?
MAYOR PRO TEM PITTMAN: Yes.
COUNCILMEMBER FLEMING: Before VIII-1?
MAYOR PRO TEM PITTMAN: Correct.
COUNCILMEMBER FLEMING: Okay. Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
Mr. Strickland?
MR. STRICKLAND: This here, I mean I

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basically discussed this with you-all and kind of put my thoughts into an e-mail as to what we need, and just wanted to be here and answer any additional questions but basically just hoping to get the vote to approve the contract to continue the work that we've been doing.
COUNCILMEMBER ALEXANDER: When you and I spoke, you had mentioned that the contract needed to be updated to remove some items that you had completed by someone else?
MR. STRICKLAND: Yes. No. They were just things that we had completed, so we do have basically five new tasks. So yeah, anything that's been completed has been taken out and it's just basically been updated to the tasks that we need.
The thing that is ongoing is the stormwater management program, and it's nearly complete but not entirely complete. They're actually waiting for some additional information from Dekalb County. Once we get that, then we can complete that and then the other four -- well, actually the other three are new ones.
There's a new requirement by the State that we do what's called the Green Infrastructure Ordinance Review. We have to update our ordinances pertaining to green infrastructure.

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And then No. 5 always stays the same; it's just on-call support basically for there's a lump sum for whatever we need. But as I explained, it's basically all on-call services. No money is spent until we, you know, call and ask them to do a certain task.
The other thing I'm hoping is that on the stormwater utility update, we actually get quite a bit of help from Dekalb County through their GIS department. Anything that Dekalb County does for us reduces our cost for CA. So I'm hoping that that's going to be found to be pretty minimal, and that way, we can, you know, save money from whatever services Dekalb County is willing to provide for us.
MAYOR PRO TEM PITTMAN: Any discussion?
COUNCILMEMBER ROCHE: So this hasn't been out for RFP for four years, five years?
MR. STRICKLAND: No, sir. It's basically just been, you know, ongoing, and it's a -- it's company that we've been working with.
When we did the last RFP for the stream restoration, I got a list of hourly rates from all of those engineering firms and basically just kind of took a look at them, and, you know, basically they're all in the ballpark.

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And I'd be afraid that a reduction in cost would probably be a reduction in services -- you know, the resources that they have.
COUNCILMEMBER ROCHE: I understand, and I'm not questioning the quality of CH2MHill. I just really think we should be going out for RFP on these contracts.
MR. STRICKLAND: Yeah. I --
COUNCILMEMBER ROCHE: This way, we don't know if we can save money or not. And I'm not saying, you know, it's --
MR. STRICKLAND: Right. And as you know, I put that in an e-mail to everyone and asked, you know, if anyone had any questions or concerns. Even if it wasn't -- like I said, it wasn't an RFP, I did kind of look into rates.
And these engineering services are basically all in the same ballpark, so, you know, a reduction in a rate, I don't think we could really save, you know, that much money.
Plus once we get this stormwater management program, they provide that to us, if we took that and gave it to another firm, then we would basically be paying the hourly rate for them to get up to speed, so to speak. So I think in the long run, changing

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1 companies would actually cost us more money because
2 we'd have to --
3 COUNCILMEMBER ROCHE: I understand.
4 MR. STRICKLAND: I mean when you're with a
5 company and they have it and all you have to do is
6 updates, you have less time spent than kind of, you
7 know, starting over from scratch.
8 COUNCILMEMBER BATES: I'll make a motion to
9 renew the contract for CH2MHill for stormwater
10 services.
11 MAYOR PRO TEM PITTMAN: Do I get a second?
12 COUNCILMEMBER ALEXANDER: Second.
13 MAYOR PRO TEM PITTMAN: Discussion?
14 - - -
15 (No response)
16 - - -
17 MAYOR PRO TEM PITTMAN: Call the roll,
18 please.
19 CLERK McCAIN: Councilmember Alexander?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK McCAIN: Councilmember Bates?
22 COUNCILMEMBER BATES: Yes.
23 CLERK McCAIN: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK McCAIN: Councilmember Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.
2 CLERK McCAIN: Councilmember Roche?
3 COUNCILMEMBER ROCHE: I'll say yes this time
4 but not next year.
5 MAYOR PRO TEM PITTMAN: Motion carries.
6 MR. STRICKLAND: Thank you.
7 MAYOR PRO TEM PITTMAN: Thank you, Mr.
8 Strickland.
9 MAYOR PRO TEM PITTMAN: All right. It is
10 approaching 9 o'clock. Council needs to make a
11 decision if we want to get through these items. I
12 think some of them are fairly quick. They are carried
13 over for old business, and some of them are pretty
14 important, so --
15 ATTORNEY WEED: And we really -- we've got
16 to deal with the call for the election or we're not
17 going to make the deadlines, and I think we need to
18 get with item 16, too, consolidation of the personnel
19 hearing, as far as legal is concerned.
20 MAYOR PRO TEM PITTMAN: Council, do we want
21 to just pick and choose or do we want to try to get
22 through the whole agenda?
23 COUNCILMEMBER FLEMING: I'd like to make a
24 motion to extend the meeting until 10 o'clock.
25 COUNCILMEMBER ROCHE: I'll second that.

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1 MAYOR PRO TEM PITTMAN: Discussion?
2 - - -
3 (No response)
4 - - -
5 MAYOR PRO TEM PITTMAN: Call the roll,
6 please.
7 CLERK McCAIN: Councilmember Alexander?
8 COUNCILMEMBER ALEXANDER: Yes.
9 CLERK McCAIN: Councilmember Bates?
10 COUNCILMEMBER BATES: Yes.
11 CLERK McCAIN: Councilmember Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 CLERK McCAIN: Councilmember Pachuta?
14 COUNCILMEMBER PACHUTA: Yes.
15 CLERK McCAIN: Councilmember Roche?
16 COUNCILMEMBER ROCHE: Yes.
17 MAYOR PRO TEM PITTMAN: Motion carries.
18 Okay. Now we're going to do the opening of
19 the RFPs for --
20 COUNCILMEMBER BATES: Can we do this last,
21 please?
22 MAYOR PRO TEM PITTMAN: Absolutely, if
23 that's okay with the Council. You need to make a
24 motion --?
25 COUNCILMEMBER ROCHE: I recommend also that

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1 when we do this, I think instead of trying to dig
2 around and find hourly rates and all that, just -- for
3 the record, just list the names of the firms that have
4 submitted bids. I think that would be appropriate
5 instead of having to figure out, this one said 50,
6 150; that one said 125, et cetera, et cetera.
7 COUNCILMEMBER FLEMING: If we're going to
8 open --
9 COUNCILMEMBER ROCHE: When we do it.
10 COUNCILMEMBER FLEMING: When we open them --
11 I mean if we're going to open them and give the name,
12 go ahead and do it this time, and maybe we can change
13 the procedures next time.
14 COUNCILMEMBER PACHUTA: I make a motion to
15 move this to the end of tonight's agenda.
16 COUNCILMEMBER BATES: Second.
17 MAYOR PRO TEM PITTMAN: Discussion?
18 - - -
19 (No response)
20 - - -
21 MAYOR PRO TEM PITTMAN: Call the roll,
22 please.
23 CLERK McCAIN: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: Yes.
25 CLERK McCAIN: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Okay. The next item is No. 2, Addendum to Election, Dekalb County. City Clerk?
CLERK McCAIN: Thank you, Mayor. As you see in your packet, attached is there's two Exhibit A's. It's an amendment to our contract that we already have. I'm told that this is their amendment every time we do an election and that they've held all of our elections.
The first one you will see is to approve Dekalb County to run our June 21st election, and the second one would be for Dekalb County to run our November 8th election.
We would still do qualifying here, and then they would handle the voting on election day.
COUNCILMEMBER ROCHE: Just as a point of interest, what are the qualifying fees for the special election for mayor?

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CLERK McCAIN: That's our next agenda item.
MAYOR PRO TEM PITTMAN: So do we need a motion to --? Do we need a motion for this?
CLERK McCAIN: Yes, please; to approve the addendum, one for each day.
COUNCILMEMBER ALEXANDER: Did they give you an approximate cost for the special election?
CLERK McCAIN: They did not.
COUNCILMEMBER ALEXANDER: Okay. I guess do we need to approve a budget adjustment? because the amount we had budgeted probably didn't incorporate additional fees for a special election.
ATTORNEY WEED: I think that's a good idea.
CLERK McCAIN: Right, and that would -- Shanta has -- unfortunately, I don't have those numbers. I'm not sure how it was -- this is a new process for me doing it this way, so I apologize for not having those numbers here.
COUNCILMEMBER ALEXANDER: So could we just make a motion to whatever dollar amounts you find out, adjust the budget line item for --
ATTORNEY WEED: You can. Also, you --
COUNCILMEMBER ALEXANDER: -- our municipal elections?
ATTORNEY WEED: -- have your year-end budget

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adjustment. You could do it then too if you don't want to do it now.
COUNCILMEMBER ALEXANDER: Okay.
MAYOR PRO TEM PITTMAN: So do we get a motion?
COUNCILMEMBER ALEXANDER: I make a motion that we approve both Exhibit A's to our agreement with Dekalb County for them to hold the special election June 21st, 2011, and the general municipal election November 8th, 2011.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER FLEMING: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?

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COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Number 3, Ordinance - Call for Election. City Clerk?
CLERK McCAIN: Thank you, Mayor.
As you see in your ordinance, the ordinance calls for the special election to be on June 21st. The call for the qualifying fee, the qualifying fee notice, will be posted on May 17th in the paper. The qualifying dates will be May 23rd through May 27th.
And I'm sorry; I thought they were on here. It's 3 percent of the salary is what the fees are.
COUNCILMEMBER ROCHE: So it's the full -- three percent of one year's salary.
CLERK McCAIN: Correct. I think it's $2,500. There's not a percentage fee on here, so.
COUNCILMEMBER BATES: It's $2,100.
CLERK McCAIN: Okay. Thank you.
And this also further authorizes us to send the letter to the U.S. Department of Justice for our preclearance as required.
MAYOR PRO TEM PITTMAN: Get a motion?
COUNCILMEMBER PACHUTA: Do we need to waive first reading?

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ATTORNEY WEED: Yes.
MAYOR PRO TEM PITTMAN: Okay. Motion to waive first reading.
COUNCILMEMBER PACHUTA: So moved.
COUNCILMEMBER ROCHE: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
We need a motion to approve?
COUNCILMEMBER PACHUTA: I make a motion to adopt --

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COUNCILMEMBER ROCHE: Second.
COUNCILMEMBER PACHUTA: What is it called?
CLERK McCAIN: Election ordinance, special election ordinance.
COUNCILMEMBER PACHUTA: -- special election ordinance for the special election to be held June 21st, 2011.
COUNCILMEMBER ROCHE: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: The next item is

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going to be the fee schedule. Ms. Pachuta?
No, excuse me. Resolution Sanitation Billing, Ms. Alexander. I apologize.
COUNCILMEMBER ALEXANDER: Yes. Council, as previously discussed on multiple meetings, I believe there was a consensus, and it was we would discuss it at our retreat, to have Dekalb County take over our sanitation billing and it would be added to the property tax statements.
This would save us approximately $4,000 a year just in postage alone. I don't know what the labor amounts were to generate the billing. And with Dekalb County, we have a 98 percent collection rate on our property tax, so it would also improve our collection rates also.
Now, we have to be aware that we may go ahead and do this, and if H.B. 291 passes, then we may have to look at other avenues of billing our property -- our stormwater and our sanitation, but I don't know that that bill is going to pass the state legislature this year.
So I make a mo- --
And the reason we're having to do this is because when Ms. Wilson contacted Dekalb County, they required a resolution to do the billing for us.

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I make a motion that we accept the resolution authorizing the Dekalb County Tax Commission office to invoice, collect and transfer sanitation taxes for the City of Doraville.
COUNCILMEMBER PACHUTA: Second.
COUNCILMEMBER ROCHE: Second. Well, I'm sorry. Go ahead.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER ROCHE: If I had a tail, I'd wag it.
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes. Thank you.
MAYOR PRO TEM PITTMAN: Motion carries.
Okay. Fee schedule, Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes. This is just a

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1 carryover. I believe this is on our work session to
2 discuss in detail.
3 I wanted to follow up with Donna if you'd
4 gotten with department heads to get feedback on
5 various --
6 CLERK McCAIN: I have spoke to department
7 heads and everybody is okay with the way it is.
8 Shanta Wilson also checked with councilmembers prior
9 to my arrival here, and everybody is okay with what's
10 on there, so I'm told.
11 COUNCILMEMBER ALEXANDER: I thought in the
12 budget meeting that you mentioned you had a specific
13 fee that needed to be addressed right away.
14 CLERK McCAIN: We have not come across that.
15 COUNCILMEMBER ALEXANDER: Okay.
16 CLERK McCAIN: That will be at the work
17 session on the 14th.
18 COUNCILMEMBER ALEXANDER: Okay.
19 COUNCILMEMBER PACHUTA: So as long as we've
20 got all the feedback back.
21 MAYOR PRO TEM PITTMAN: We do. She even
22 went back and asked again.
23 COUNCILMEMBER ALEXANDER: I guess I would
24 request, if you wouldn't mind, having Mr. Bell look at
25 it also, if there's some items that he may have an

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1 opinion on.
2 CLERK McCAIN: We can --
3 MAYOR PRO TEM PITTMAN: Absolutely.
4 CLERK McCAIN: -- surely do that.
5 MAYOR PRO TEM PITTMAN: It's a really good
6 idea. We do need to move on this because I know that
7 we're trying to, first of all, put together packets to
8 be able to expedite someone coming in to do something,
9 and in those packets it's going to be a step-by-step
10 process of what they need to do, where they need to
11 go, and how much it's going to cost so there's no
12 question. And the sooner we can get those fees, the
13 sooner we could put together those packets to give out
14 as people come in.
15 CLERK McCAIN: Right. And we do have a
16 meeting scheduled for Wednesday that I'll move it just
17 to do that and make everything flow between the two
18 departments.
19 MAYOR PRO TEM PITTMAN: Okay. So we'll get
20 with him. And do we want to put this on --
21 COUNCILMEMBER PACHUTA: I think it's on the
22 work session for the 14th.
23 MAYOR PRO TEM PITTMAN: Okay. The next item
24 is going to be the Design Guidelines, Ms. Pachuta?
25 COUNCILMEMBER PACHUTA: Well, I think this

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1 came out of our meeting last week, so I'll turn it
2 over to Mr. Bates. We have a draft ordinance based on
3 our vote at the zoning meeting.
4 COUNCILMEMBER BATES: Yeah. We did on the
5 fly make some recommendations on some minimum
6 standards for the building materials, and that's been
7 provided to us in a draft ordinance.
8 I e-mailed Council today regarding some
9 other questions, concerns that I had. We really have
10 two options. I think we can adopt this and put some
11 minimums in or we can give those to Mr. Bell and have
12 him look at it.
13 My preference would be to get some minimums
14 in. The problem with what we did, doing it on the fly
15 is that we didn't talk about acceptable materials like
16 brick and stone that should be included in this. It
17 doesn't exclude them but it doesn't specifically
18 include them.
19 So I would defer to Council on how you want
20 to proceed with, you know, adopting some minimums on
21 limiting the types of materials that can be used or
22 giving it to Mr. Bell for strengthening.
23 COUNCILMEMBER PACHUTA: Yeah, this is first
24 reading; is that correct?
25 ATTORNEY WEED: Yes, ma'am.

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1 COUNCILMEMBER PACHUTA: We can go ahead and
2 approve the first reading and then have Mr. Bell look
3 at it.
4 ATTORNEY WEED: You don't have anything in
5 regard to first reading. If it's on an agenda, it's
6 read.
7 COUNCILMEMBER BATES: Okay. So we really
8 don't need to do anything even if the ordinance
9 changes?
10 ATTORNEY WEED: Yes.
11 What the rule says is before final passage,
12 you've got to have the final version before you, but
13 it doesn't say that with regard to readings.
14 COUNCILMEMBER ROCHE: I think, again, that
15 this is good minimum standards as a stopgap until we
16 can review what comes out of the LCI, because the LCI
17 had a lot of input from citizens.
18 Also have Mr. Bell, and have our new -- once
19 we hire a new development -- I keep calling it
20 "development director." I apologize. I don't
21 remember the exact --
22 COUNCILMEMBER FLEMING: Planning and
23 development.
24 COUNCILMEMBER ROCHE: -- planning and
25 development director look at that, but at least we

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have something in place now so we don't end up with corrugated tin buildings.

So I would be in favor of going ahead and passing what we have now and then adjusting it later as a backstop.

COUNCILMEMBER BATES: I'll make a motion to waive first reading.

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER BATES: And I'll make a motion

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to adopt the building facade construction material standards.

MAYOR PRO TEM PITTMAN: Second?

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Motion carries.

Okay. Next item is going to be IT Services RFP; Mr. Roche?

COUNCILMEMBER ROCHE: Yeah. And it's my understanding that currently we have -- last year --

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last year we went out for RFP for IT services because the previous people weren't here anymore.

We received about five or six bids and then we ended up accepting I think the second-to-the-highest bid.

My numbers, I can't really read it here and my computer is down for the moment, but I think we ended up the bid amount was $155,400. I had to estimate the last two months. We pay a minimum of $12,000 per month just for monitoring, and then whatever's over and above that, and so far as I can tell from --

What I did is I got a list of the checks that we have cut to the current vendor, and it works out to about $210,000 for this year. For $210,000, we could hire a full-time IT staff to sit around and wait for things to break. I think that it would be in our best interest to -- since the contract is expiring in just a couple of weeks, that we go ahead and put the RFP -- issue the RFP for IT services. We basically use the same RFP form that we had last year but changing the dates and changing obviously the City Clerk's name and that sort of thing.

And I'd like to make a motion to do just that.

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MAYOR PRO TEM PITTMAN: Can I -- If you don't mind, I asked him to be here tonight to clarify some of those figures if you don't mind doing that for me.

MR. RICH: Yes, ma'am, I'd be glad to.

Good evening, ladies and gentlemen, Madam Mayor Pro Tem and ladies and gentlemen of the Council. I am Bobby Rich and I own The Management Group lock, stock and barrel.

This evening, one additional member of the group who routinely supports the City of Doraville elected to attend, and that's Martin English back here in the back.

After reviewing the paper published disclosing the bid information concerning the IT support of the City, I asked the Mayor Pro Tem for permission to publicly speak, as the paper is skewed, has information that may be factual but is incorrectly presented, and in other instances presents information that is in fact wrong.

This information is presented at face value to the uninformed public and may lead some to conclude that there's something bad going on between the City and my company. My only regret is that I can't personally contact each person who may have viewed the

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1 published paper to simply say that the information
2 presented is not fair and balanced, contains errors
3 and, in some instances, wrong information which could
4 easily influence one to conclude impropriety.
5 Let me take just a few minutes this evening
6 to point out just four specific instances.
7 Number one, fair and balanced. No. But
8 even if easily refuted, unless one realizes that the
9 presentation is financial data, black is good and red
10 is bad, if the writer wanted to call attention to a
11 specific dollar value, why not use the color green or
12 why not even underline?
13 The intent here is clear. Accuracy to the
14 penny. Black, the color of financial data, and
15 specific use of red to convey the connotation of bad.
16 Number two, accurate. No. In the middle of
17 the page, the writer states, quote, "The Management
18 Group actual payments since contract inception." In
19 February and March, at that writing, those amounts
20 were not paid as of the publication, and, therefore,
21 the total amount presented in red and to the penny is
22 almost $25,000 overstated or wrong.
23 Number three, the contract amount correctly
24 stated. No. The Mayor and I met prior to the
25 contract award, and he and I agreed to a reduced rate

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1 of the amount of $12,000 per month or $144,000. The
2 contract was signed, and while I have not taken
3 personally the time to research the minutes, I will
4 bet that that is recorded fact.
5 Is there anything wrong with the amounts
6 paid? The answer is no. For the record and to
7 correct any misinformed opinion, I went back through
8 all of my invoices to break out cost into the
9 categories that I use within my companies. You should
10 note that these categories may not be the same expense
11 categories that the City may use.
12 If I had been asked, I would have responded
13 to the amounts paid to me, 3 percent for software, 18
14 percent for hardware and materials, 10 percent for
15 labor, and exactly 69 percent or $120,000 for 10
16 months times $12,000 per contract. These amounts
17 account for 100 percent of the revenue from the City
18 to me as of the date the document was published and
19 are accounted for to the penny.
20 One final point: At least one and probably
21 more of the invoices that are accounted for in that
22 document are listed for materials and services
23 performed prior to the contract period and
24 consequently have no impact really on the amount
25 stated.

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1 I could spend a great deal more time in the
2 analysis of the presentation, but there is nothing
3 wrong here. The only wrong here is the context and
4 the information in the presentation.
5 Ladies and gentlemen, I've been in business
6 for a very long time as a service-disabled veteran-
7 owned small business. You simply can't remain in
8 business by doing anything other than what is honest,
9 being a man of your word and your work, and being fair
10 and balanced. If what you do is not on the square,
11 your product will not stand the test of time.
12 In summary, then, all of my financial data
13 has been presented to named and potential companies
14 who may respond to requests for proposals. Do they
15 need additional information? I can't think much more
16 than a competitor would need.
17 Has the Council and the public been
18 presented a fair and balanced information summary upon
19 which to form an unbiased opinion? No.
20 Has this incident changed my attitude and
21 business relationship with the City? The answer is
22 no, not at all. Doraville is blessed with good people
23 where coming to work is not hard at all.
24 I leave you with one final thought to
25 remember: We have been supporting the City and

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1 specifically the police department for months prior to
2 the contract. We walked in on contract day one
3 performing to standard.
4 The technology of the police department is
5 extremely complex in the technical and the legal
6 aspects with multiple-vendor systems. I caution you
7 in publication of annual request for proposal for
8 replacing the IT support structure where that annual
9 replacement would be costly in terms of mistakes and
10 learning the complexity of the systems involved.
11 Inasmuch as the document published on the
12 City Web should be a matter of record in these
13 proceedings, I request you include my quoted remarks
14 in a place of equal prominence and importance. You
15 and the City of Doraville deserve no less than a fair
16 and balanced presentation upon which to draw a
17 conclusion.
18 Thank you for your time this evening, and I
19 remain disposed to respond to any questions you may
20 have.
21 MAYOR PRO TEM PITTMAN: Thank you.
22 COUNCILMEMBER FLEMING: I do have a question
23 if you don't mind. You said that you met with the
24 Mayor and so then you adjusted the contract to
25 $144,000.

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MR. RICH: Yes, ma'am.
COUNCILMEMBER FLEMING: Okay. And then secondly, I believe in your presentation you made the comment that the monthly billing is at $10,000.
MR. RICH: It's $12,000. Ten months times $12,000 is $120,000.
COUNCILMEMBER FLEMING: Okay. All right.
MR. RICH: That is exactly -- in those dollar values reported back to you, that is exactly what the contract calls for, no more, no less.
COUNCILMEMBER ROCHE: So are you disputing these amounts here? Are you saying that --?
What I did was because, as you said, the contract didn't start until March 15th, so I discarded the first couple of checks and started with April 15th when there was a check for $195.00, over a 12-month period, like I said, and it said the last month was estimated average month, which was only $367 higher than the $12,000 per month of fee that you charge us. And so --
MR. RICH: Well, number one --
COUNCILMEMBER ROCHE: -- even subtracting the $25,000, we're still looking at $185,000.
MR. RICH: You're looking at $185,000.
COUNCILMEMBER ROCHE: Right. I mean did we

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not pay you that much money?
I mean actually there was no more money, because I know some of the money was paid for out of asset forfeiture funds. I didn't include that.
MR. RICH: I did not have the opportunity to go back and reconcile my numbers with your numbers, no.
COUNCILMEMBER ROCHE: Okay. Thank you.
MR. RICH: We're within the ballpark.
COUNCILMEMBER ROCHE: Thank you.
MR. RICH: We're within the ballpark.
COUNCILMEMBER ROCHE: Okay.
MR. RICH: Now, but there's a whole lot of difference between $185,000 and 200-and-some odd thousand.
COUNCILMEMBER ROCHE: It's $25,000.
MR. RICH: $25,000 --
COUNCILMEMBER ROCHE: Right.
MR. RICH: -- just off the surface and presented in red --
COUNCILMEMBER ROCHE: Uh-huh.
MR. RICH: -- you know, anybody that does anything with numbers and dollars, what does red mean?
COUNCILMEMBER ROCHE: Well, that depends. It usually means negative.

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MR. RICH: Negative.
COUNCILMEMBER ROCHE: Negative amount --
MR. RICH: Negative amount.
COUNCILMEMBER ROCHE: -- like a credit amount.
MR. RICH: Bad.
COUNCILMEMBER ROCHE: Not necessarily.
MR. RICH: Well, then, we can disagree.
COUNCILMEMBER ROCHE: Yeah. We'll have to, I guess.
COUNCILMEMBER BATES: I have two questions for you. If I remember correctly, in the proposals there was a year one and a year two --
MR. RICH: I did make --
COUNCILMEMBER BATES: -- proposed.
MR. RICH: Yes, sir.
COUNCILMEMBER BATES: Based upon your involvement with the City over the last 11 months, 10 months --
MR. RICH: Yes, sir.
COUNCILMEMBER BATES: -- do you anticipate the year two cost to be substantially lower than the year one cost?
MR. RICH: We -- and I'm going to qualify what I say. We have made a lot of strides in bringing

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the City of Doraville network to a better standard, a much improved standard, and I would be less than candid in saying that we had not done that.
Can I adjust those costs without sitting down and negotiating those fees? I would say we would be in the ballpark with those fees.
Those fees cover essentially two people. When I say two people, I'm talking about essentially Martin English and Chris Ragg being here Monday through Friday 40 hours a week. Essentially, that's what it boils down to. Over the weekends, we are on call. And we do monitor these networks, I personally monitor these networks as well as my son monitors, and these gentlemen monitor these networks 24/7. So we monitor; we have people on site during the normal duty day from early in the morning until sometimes 6:00 in the evening or until the shift change.
COUNCILMEMBER BATES: And my second question is two years ago or three years ago, I think it was two years ago, we had a network assessment --
MR. RICH: Yes, sir.
COUNCILMEMBER BATES: -- done that identified a number of problems in the network as it was.
MR. RICH: I'm very familiar with that.

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1 COUNCILMEMBER BATES: Could you tell me the
2 status of that assessment and would you be open to
3 having a third party come and evaluate the network?
4 MR. RICH: None at all. I am extremely
5 familiar with that document. We've used that as a
6 base to go down and work off problem areas. When we
7 have seen a major problem area occur that is
8 consistent with that audit or with that assessment,
9 then we have used that to correct the problem. So
10 we've been going down, checking that off, and I didn't
11 bring that specific document with me. I have no
12 problem with anyone else coming in and conducting an
13 assessment. Glad to have it.
14 COUNCILMEMBER BATES: Thank you.
15 COUNCILMEMBER ROCHE: So again, I did make
16 the motion and I think that The Management Group
17 certainly could present their bid just like everyone
18 else, you know, and --
19 MAYOR PRO TEM PITTMAN: Thank you.
20 COUNCILMEMBER ROCHE: -- I'll continue to
21 make that --
22 MR. RICH: Thank you.
23 MAYOR PRO TEM PITTMAN: Did you have another
24 question?
25 COUNCILMEMBER FLEMING: I want to finish my

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1 thing to the gentleman. And I don't mean to
2 interrupt, Bob, but I had --
3 COUNCILMEMBER ROCHE: Sure.
4 COUNCILMEMBER FLEMING: -- something else
5 for him.
6 I just want to make you understand that we
7 are in a budget crunch time, and so though your
8 services are outstanding and you've been doing a great
9 job, we are trying to cut costs. And we also are
10 going through a period of renewing contracts, looking
11 at all contracts in the City, so it's not -- you are
12 not being singled out.
13 MR. RICH: Oh, I understand that.
14 COUNCILMEMBER FLEMING: Okay.
15 MR. RICH: I understand that completely.
16 However, when I did make that offer -- and
17 I've been in technology for an awful long time, I mean
18 an awful long time. And I don't say this tongue-in-
19 cheek: I was in technology when technology started.
20 That's why when I wrote the proposal, I put in year
21 one, year two, and that way, that gave you a --
22 presented to you a basis that you could start from.
23 I cannot emphasize enough to you, it's not a
24 sales job, but I know what goes on down the hill. I
25 know a lot that goes on down the hill, personally.

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1 And if you take every approach simply to be more cost
2 effective, you'll pay the price of that.
3 COUNCILMEMBER FLEMING: So could you tell me
4 --? I do not have a copy of the contract here. Could
5 you tell me what your year two is?
6 MR. RICH: I'd have to go back and pull that
7 up.
8 COUNCILMEMBER FLEMING: Mr. Bates?
9 MR. RICH: It was an offer --
10 COUNCILMEMBER BATES: I don't have it.
11 MR. RICH: -- and it's not a part of the
12 contract.
13 COUNCILMEMBER FLEMING: It is not?
14 MR. RICH: No, ma'am.
15 COUNCILMEMBER FLEMING: Because we didn't
16 accept it or --
17 MR. RICH: No, no, no.
18 COUNCILMEMBER FLEMING: -- because it's not
19 available?
20 MR. RICH: We simply wrote the contract for
21 the current year.
22 COUNCILMEMBER FLEMING: For one year.
23 MR. RICH: Yes.
24 COUNCILMEMBER FLEMING: Okay.
25 MR. RICH: But you have an offer for a

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1 subsequent year.
2 COUNCILMEMBER FLEMING: I just wanted to
3 know where we were. Okay. Thank you.
4 MAYOR PRO TEM PITTMAN: Thank you so much.
5 MR. RICH: Okay. Thank you.
6 MAYOR PRO TEM PITTMAN: Got a motion. Do we
7 get a second?
8 COUNCILMEMBER FLEMING: Second.
9 MAYOR PRO TEM PITTMAN: Discussion?
10 COUNCILMEMBER ROCHE: Once again, as
11 Councilman Fleming said, we're not necessarily
12 singling out any particular individual or whatever.
13 I, too, have been in IT for about 35 years.
14 I do understand how to make things more efficient.
15 That's what I get paid to do.
16 But regardless of any of that, we're putting
17 out a lot of money and we're putting out -- When we're
18 putting out this kind of money, it behooves us to put
19 out RFPs and make certain that we're getting the best
20 deal, and I think that we need to do that. I think
21 it's just sound financial management, and that's what
22 our job is up here: We have a fiduciary duty to
23 manage the City's money, the citizens' tax dollars.
24 MAYOR PRO TEM PITTMAN: Okay.
25 COUNCILMEMBER ALEXANDER: I'd like to --

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because I, like my other seatmates, don't have the RFP in front of me, and I apologize for that. I would like Mayor Pro Tem to meet with Mr. Rich and go over that.

In doing some research, I had 180-something pages of materials I went through, and one of the materials was a notation from a certain department that said, "System down" with a date. And I was able to contact Mr. English, and he told me exactly, almost within the hour, of how long the system had been down, what exactly the problem was, and what they did to rectify it.

So that was very important to me because I was looking at why a particular situation was not handled in a more expeditious manner, and I was very impressed, because I can give you about the week my computer was down but I can't tell you how long it was, and I can tell you we had a lightning strike or whatever. But I was very impressed about the record-keeping and his ability to say, "That is true. It was down from this period to this period. This is why and this is what we did to fix it," so I was very impressed by that.

COUNCILMEMBER ROCHE: I get an e-mail and a text message here when any of the software of my

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client goes down, and I -- you know, and I also get an e-mail on this one and I can jump on --

COUNCILMEMBER ALEXANDER: I'm very happy for you, Mr. Roche.

COUNCILMEMBER ROCHE: Well, I'm just saying, you know, that it doesn't have to cost this kind of money. I know; I've been there; I've done it and I've done it many times.

So I think that -- like I said, even if it was -- if it was painting buildings, I still think we need to go out for RFP on this, and it would really surprise me if we didn't.

MAYOR PRO TEM PITTMAN: Okay. Additional discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: No.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: No.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

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CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: No.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Motion dies.

COUNCILMEMBER FLEMING: So I have a question.

COUNCILMEMBER PACHUTA: Do we need to make a motion to extend the contract?

COUNCILMEMBER FLEMING: Or negotiate another contract.

COUNCILMEMBER ALEXANDER: Yes. That's what I would like Mayor Pro Tem to meet with Mr. Rich and review the second year that was offered.

MAYOR PRO TEM PITTMAN: That's fine.

If you'll give me a call tomorrow.

MR. RICH: Yes, ma'am.

COUNCILMEMBER ROCHE: Okay. Next item on the agenda is going to be Contract Renewals, City Clerk?

COUNCILMEMBER BATES: Employee Manual, PTO.

MAYOR PRO TEM PITTMAN: Oh, I am sorry.

COUNCILMEMBER PACHUTA: You're just trying to rush us through.

MAYOR PRO TEM PITTMAN: I am. I'm trying to

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get us out of here.

Employee Manual, PTO time.

CLERK McCAIN: Thank you, Mayor. As you see on my agenda sheet, in the past, the employee manual had been interpreted in such a way that employees received PTO time January 1st following the date that the new employee was hired. For instance, if you were hired February 1st, that following January you would get PTO time.

The current staff interprets the manual in a way that the employee does not receive PTO time until the January after the employee's anniversary date, which would mean if you started February 1st, you would have to wait until the following February 1st, and then it's only offered in January. So technically you're going almost two years before you get PTO time, as I had that example.

The current request on the table today would allow the employee to receive PTO time January 1st after their 90 days of probation period along with the rest of the employees in the City.

I included a copy of the actual employee manual. It's page 17 where it says "After the one-year anniversary of the date of hire." If we could just take away or do a text amendment to take away the

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1 "one-year anniversary," and put "after the employee
2 probationary period," they would get it the following
3 January.
4 COUNCILMEMBER ALEXANDER: So if you were
5 hired February of 2011, you would get PTO January of
6 2012.
7 CLERK McCAIN: Correct. Whereas right now
8 if you were hired February 11, you would not get PTO
9 time until February '13.
10 COUNCILMEMBER FLEMING: Well, the way it's
11 reading right now, though, if we take that out, it
12 says, "New employees, upon becoming eligible for PTO
13 upon completion of probationary period will accrue one
14 day of PTO per month until January 1."
15 CLERK McCAIN: Right; which isn't the 16
16 days that everybody else is allowed to get January
17 1st.
18 COUNCILMEMBER FLEMING: So are you
19 requesting that a person that's been here under a year
20 get PTO time?
21 CLERK McCAIN: Yes, if that's the way it
22 falls.
23 COUNCILMEMBER FLEMING: That was not our
24 interpretation, though, I don't believe.
25 CLERK McCAIN: Well, I was just reading it

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1 and it says, "After the one-year anniversary of the
2 date of hire." For instance, I was hired January 3rd,
3 2011. My anniversary is not until January 3rd, 2011
4 [sic]. January 1st is when everybody gets their PTO
5 time. So technically, I would not get PTO time until
6 January 2013.
7 COUNCILMEMBER PACHUTA: And I believe
8 Ms. Wilson is in the same situation when she was
9 hired.
10 CLERK McCAIN: There's five or us.
11 COUNCILMEMBER ALEXANDER: I think we were
12 going on the one-year anniversary date from the date
13 of their hire, and I think having this January 1 date
14 confuses it, because I think we are all on the same
15 page. You're here one year, you get your PTO.
16 CLERK McCAIN: And that's fine. If that's
17 the way Council wants to do it, we would need to do a
18 text amendment to do that and we would need to track
19 when each person started. It wouldn't be just a flat
20 everybody gets their PTO time January 1st as it is
21 now.
22 COUNCILMEMBER ROCHE: I think the idea was
23 that if you got hired say in June, you get June, July,
24 seven days, you would only get one per month for that
25 first year until the 1st. So then January 1st, you

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1 would get seven days of PTO.
2 CLERK McCAIN: If somebody was hired --
3 COUNCILMEMBER ROCHE: That was what was in
4 my head.
5 CLERK McCAIN: -- in June, they would not
6 get anything June, July or August because that's their
7 probation.
8 COUNCILMEMBER ROCHE: Right.
9 CLERK McCAIN: So they would get October,
10 November, December. They would get three years.
11 COUNCILMEMBER ROCHE: Only July 1st.
12 CLERK McCAIN: And then they'd have to --
13 COUNCILMEMBER ROCHE: January 1st.
14 CLERK McCAIN: -- wait a full year before
15 they got their 16 days of PTO time.
16 COUNCILMEMBER ROCHE: Yeah. The second part
17 is not what was in my head when we passed it.
18 COUNCILMEMBER BATES: But they would be
19 accruing one day per month during that second year,
20 their first full year.
21 CLERK McCAIN: Correct.
22 COUNCILMEMBER PACHUTA: So they would
23 have --
24 CLERK McCAIN: They would get one day per
25 month.

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1 COUNCILMEMBER BATES: So --
2 CLERK McCAIN: They would get 12 days as
3 opposed to the 16 that the rest of the employees get.
4 COUNCILMEMBER BATES: Right.
5 CLERK McCAIN: So it would behoove you not
6 to start your job until December.
7 COUNCILMEMBER PACHUTA: So someone who
8 started December 31st versus someone who started
9 January 2nd would be getting four more PTO days than
10 the person who started three days later.
11 COUNCILMEMBER BATES: Because of the January
12 criteria --
13 COUNCILMEMBER PACHUTA: Right.
14 COUNCILMEMBER BATES: -- versus the
15 anniversary date. Okay.
16 CLERK McCAIN: And that can be something too
17 that can be discussed in the group meeting. If we do
18 a committee, that's one of the issues that can be
19 addressed at that time.
20 ATTORNEY WEED: And legally we've got no
21 preference. We'll do it however you want to. But you
22 know, Council did talk about these things before, and
23 at the time, you were concerned about having -- not
24 having to track every individual employee's date of
25 employment, but there's other ways you can do it.

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MAYOR PRO TEM PITTMAN: Council, do you wish to talk about that with the other items or do you want to talk about it tonight?

COUNCILMEMBER FLEMING: I need to consider this more.

COUNCILMEMBER BATES: Well, I'd like other -- if there's other examples of how PTO is tracked and awarded that you can provide to us.

CLERK McCAIN: Sure. We actually did a study when we renewed our personnel policy over at Flowery Branch, and I could probably still pull those numbers.

I'll tell you this is the first time that I've seen it all grouped together. Most people have sick time and vacation time separate. I know Flowery Branch was you received one hour of sick time for every week that you worked. And from one to five years, you received a week of vacation; after two years, you received two weeks; and then after five years, you got three weeks.

So I can pull some of that together for the committee meeting or do we want to bring it up at a work session?

COUNCILMEMBER FLEMING: What committee meeting?

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COUNCILMEMBER ALEXANDER: We talked --

CLERK McCAIN: If we put together --

COUNCILMEMBER ALEXANDER: -- about looking at --

CLERK McCAIN: -- a committee.

COUNCILMEMBER ALEXANDER: -- the employee manual.

COUNCILMEMBER FLEMING: Oh, yes.

ATTORNEY WEED: You were nominated and put on the committee.

COUNCILMEMBER ALEXANDER: No. She volunteered.

And I guess also, is it easier now that we're using Altera -- is it keeping track of our time? -- instead of what we were doing before with the whole manual thing?

CLERK McCAIN: Yes. We're not doing it manually.

COUNCILMEMBER ALEXANDER: Okay.

COUNCILMEMBER BATES: Well, I think that was one of our concerns was the ability to track the number of hours and the anniversary dates and who's going to remember that. If that's being done electronically through Altera and the payroll processing firm, I have absolutely no problem in

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moving back to anniversary date.

COUNCILMEMBER PACHUTA: And I think that's the fairest way.

COUNCILMEMBER BATES: Yeah. I don't have any problem with doing that.

Our concern or at least my concern was who's going to track, you know, when somebody starts on February 9th and April 7th and July 6th and on and on and on.

CLERK McCAIN: Sure. That's time consuming.

COUNCILMEMBER BATES: But if it's all being done electronically, I don't have a problem with modifying.

If there are other issues that you guys had talked about on the personnel policy that you guys want to roll this into, I'm fine with that.

COUNCILMEMBER FLEMING: That would be my preference.

MAYOR PRO TEM PITTMAN: Okay.

COUNCILMEMBER FLEMING: But we will address it very soon.

CLERK McCAIN: So you want me to check with Shanta and see how easy the system works as far as doing it annually by anniversary date?

MAYOR PRO TEM PITTMAN: And maybe getting

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your research that you spoke of.

CLERK McCAIN: Sure. Not a problem. Thank you.

MAYOR PRO TEM PITTMAN: Thank you.

Okay. Now Contract Renewals, City Clerk.

CLERK McCAIN: We are actually talking to the finance director. She is working with Xerox and Ikon for copier services so that we can have the same throughout the whole City as opposed to the library using a company, the police department using a company, City Hall using a company. So we don't necessarily need to do the Xerox copy that's on here.

Cleaning services, we're also possibly going to be looking to do an RFP for the entire city. Ms. Wilson is also working on that as she's trying to reduce our costs for that item.

This is just to have the attorney move forward with drafting updated contracts for the Municode, which does our codification online.

And Ms. Fleming, I did send all those ordinances to them, and they should hopefully have those posted up within a week on their Web site.

GMA, the Georgia Municipal Association, Revenue Recovery, that is our collections for unpaid bills.

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The Pitney Bowes is our mail machine.
And then a new one that I'll be bringing before you is GovDeals. It's come to my attention there's a bunch of surplus items in the City. I've used GovDeals before. It's an online auction service where we would post everything on there. The person that won the bid would be responsible to come and pick up those items within 10 days or else we could charge them storage fees. The City would not do any moving or anything for these people.
Everybody that is on GovDeals is prequalified through them. If for some reason they fail to go through their bid process, they're removed and can no longer bid on that site. So that will be coming before the Council at a later time.
This is to have the attorney move forward drafting those contracts to bring before you at the meeting on the 21st.
ATTORNEY WEED: Well, I'm glad you're proud of me, but maybe it'll be a little longer than that.
COUNCILMEMBER ALEXANDER: On the GMA revenue recovery --
CLERK McCAIN: That's currently with Penn Credit.
COUNCILMEMBER ALEXANDER: Right. And that

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didn't necessarily work out too well for us.
CLERK McCAIN: Okay.
COUNCILMEMBER PACHUTA: Huh-uh.
COUNCILMEMBER ALEXANDER: So I don't know.
CLERK McCAIN: And I know GMA is aware that Penn Credit has been a little slow with doing some of those recoveries.
COUNCILMEMBER BATES: Oh, they just flat out did it wrong.
COUNCILMEMBER ALEXANDER: They did it wrong.
MAYOR PRO TEM PITTMAN: It's more than that.
COUNCILMEMBER FLEMING: I think it --
COUNCILMEMBER ROCHE: Well, we sent them the wrong information.
COUNCILMEMBER FLEMING: I think it was --
MAYOR PRO TEM PITTMAN: A lot more.
COUNCILMEMBER FLEMING: -- a process of us and them.
COUNCILMEMBER ALEXANDER: And with the undertaking by Ms. Bryant and previously Ms. Blackmon, I think that a lot of progress has been made here at City Hall taking care of it ourselves and with Mr. Weed's help. So I don't necessarily know that we want to renew that contract.
I guess my question to you was, having gone

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through the alcohol beverage audit that was offered by GMA --
CLERK McCAIN: Uh-huh.
COUNCILMEMBER ALEXANDER: -- were they -- would this contract cover any of that if we decide to proceed with that or would that be a whole separate item?
CLERK McCAIN: This would just be for sanitation billing.
COUNCILMEMBER BATES: Well, and since we just passed the resolution moving it to the tax bill, I don't know if there's any need of moving forward with the GMA collection side.
CLERK McCAIN: And we could bring back to you -- And that's fine, too. We can bring back to you. They aren't going to take over our billing; they're not going to take over our amount that's due to us currently, so that will still be our responsibility. And it is very time-consuming to try and track these people down, but it's something that we can work with the police department and maybe they can help us out a little bit.
COUNCILMEMBER BATES: I just -- we had a bad experience and taste in our mouths from that, and whether it was a combination error, I just think it

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was not a particularly pleasant experience.
CLERK McCAIN: So keep it in-house for the collections portion of it?
COUNCILMEMBER BATES: Or through another --
COUNCILMEMBER FLEMING: That's my preference at this time --
COUNCILMEMBER PACHUTA: Another --
COUNCILMEMBER FLEMING: -- another agency.
COUNCILMEMBER PACHUTA: -- agency.
COUNCILMEMBER ROCHE: Do we have any idea about how much it is at this point that we paid?
CLERK McCAIN: It's a percentage of what we collect, and I'm not sure what our outstanding amount is. We're still trying to work through. Our MAS-90 kind of crashed last week, so, when we were trying to --
COUNCILMEMBER ROCHE: I'm sorry. The computer crashed last week?
CLERK McCAIN: Yeah. Not because of them.
COUNCILMEMBER ALEXANDER: MAS-90.
CLERK McCAIN: It was our issue, MAS-90's issue, but we could pull those numbers if you need those.
COUNCILMEMBER ROCHE: That would be good to see. Thank you.

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1 COUNCILMEMBER ALEXANDER: So that's the only
2 one that I'm hesitant to renew.
3 COUNCILMEMBER ROCHE: I tend to agree, yeah.
4 COUNCILMEMBER BATES: Municode, Pitney Bowes
5 and GovDeal.
6 ATTORNEY WEED: Okay. Would someone give me
7 the list of whatever you're going to do? Just make -
8 - when you make a motion.
9 COUNCILMEMBER BATES: I'll make a motion to
10 move forward with Municode, Pitney Bowes and GovDeals.
11 MAYOR PRO TEM PITTMAN: Do I get a second?
12 COUNCILMEMBER PACHUTA: Second.
13 MAYOR PRO TEM PITTMAN: Discussion?
14 - - -
15 (No response)
16 - - -
17 MAYOR PRO TEM PITTMAN: Call the roll,
18 please.
19 CLERK McCAIN: I'm sorry. Maria or Karen
20 was the second?
21 COUNCILMEMBER BATES: Karen.
22 CLERK McCAIN: Councilmember Alexander?
23 COUNCILMEMBER ALEXANDER: Yes.
24 CLERK McCAIN: Councilmember Bates?
25 COUNCILMEMBER BATES: Yes.

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1 CLERK McCAIN: Councilmember Fleming?
2 COUNCILMEMBER FLEMING: Yes.
3 CLERK McCAIN: Councilmember Pachuta?
4 COUNCILMEMBER PACHUTA: Yes.
5 CLERK McCAIN: Councilmember Roche?
6 COUNCILMEMBER ROCHE: Yes.
7 MAYOR PRO TEM PITTMAN: Motion carries.
8 The next item is going to be Contract
9 Renewals, Chief King.
10 CHIEF KING: Good evening, members of the
11 City Council and Mayor.
12 I've looked at the latest, I've sat down
13 with the city attorney, and we've reflected the
14 changes on the copying machine, taking those out since
15 we're going to be consolidating a lot of those.
16 The rest of the contracts, I request
17 approval from the City Council to move forward on.
18 COUNCILMEMBER BATES: I have three
19 questions, and this'll be for whomever can, if they're
20 able to.
21 Perkins Electric, what --
22 CHIEF KING: Those would be electricians
23 that come and work on our generators, sir.
24 COUNCILMEMBER BATES: And is there -- Do we
25 have electricians that we use for other City services

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1 that could be consolidated?
2 CHIEF KING: Essentially, the only -- the
3 skill set for those switches and emergency generators
4 is one of those very hard to find, that Perkins has
5 been providing us for years. And the contract
6 basically has got -- you know, I mean I'm not -- You
7 know, if we find somebody that's just as good that can
8 work on it, I have no issue whatsoever.
9 COUNCILMEMBER BATES: And the other one
10 would be Cool Ray which does your HVAC and your
11 cooling towers.
12 CHIEF KING: Yes. They're very good at
13 patching up a very old system. They've done a very
14 good job of keeping us afloat.
15 COUNCILMEMBER BATES: Do -- and again my
16 question will be do we have other HVAC companies that
17 do work throughout the City, and if --
18 CHIEF KING: I'm not aware of. I think this
19 is the same ones that we actually got the initial
20 recommendation from Mr. Pittman. He's the one that
21 kind of lined us up with them years ago.
22 COUNCILMEMBER BATES: Because my preference
23 would be versus having them as a contract underneath
24 PD, to have them as a contract underneath the City
25 versus having Cool Ray and anybody else -- you know,

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1 have one firm doing City Hall and another firm doing
2 the courts and another one doing Parks & Rec.
3 CHIEF KING: The only reason I like them is
4 they've got the most experience patching up our
5 system.
6 COUNCILMEMBER BATES: I don't know who the
7 appropriate person would be to check with, you know,
8 if we're using --
9 CLERK McCAIN: Bobby Pittman is in charge of
10 all the maintenance --
11 MAYOR PRO TEM PITTMAN: Yeah, we'll check
12 with Bobby.
13 CLERK McCAIN: -- Public Works department.
14 COUNCILMEMBER BATES: And my third one on
15 this list would be vending machines. Do we have
16 vending machines in other municipal building? I don't
17 know that we do.
18 MAYOR PRO TEM PITTMAN: Huh-uh, I'm not
19 familiar.
20 COUNCILMEMBER FLEMING: We have Coke but not
21 vending. You know, we may have vending over at the
22 pool, but I don't know that factually.
23 COUNCILMEMBER BATES: Okay.
24 COUNCILMEMBER ALEXANDER: We do.
25 COUNCILMEMBER BATES: Is that done through

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1 the pool company?
2 COUNCILMEMBER FLEMING: I'm not -- I don't
3 know, Brian. We'll have to check with --
4 ATTORNEY WEED: I don't recall that being in
5 the pool contract. I'm pretty sure it's not.
6 COUNCILMEMBER BATES: Okay. All right.
7 Thank you.
8 COUNCILMEMBER FLEMING: I want to ask a
9 question. What is the Evercom facility inmate
10 services?
11 CHIEF KING: Yes, ma'am. Those are the
12 inmate phones.
13 COUNCILMEMBER FLEMING: Okay.
14 CHIEF KING: They're located inside of our
15 jail cells so people can call and bond out.
16 COUNCILMEMBER ALEXANDER: But you also have
17 Securus jail phones?
18 COUNCILMEMBER ROCHE: Yeah.
19 COUNCILMEMBER FLEMING: Yeah, you've got it
20 listed on there.
21 CHIEF KING: Let me see.
22 COUNCILMEMBER ALEXANDER: Because you were
23 going -- you had an RFP out for jail phone service.
24 CHIEF KING: Yeah. Securus is the inmate
25 telephone system, and then you have --

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1 Which is the other one you mentioned, ma'am?
2 COUNCILMEMBER FLEMING: The second one,
3 Evercom.
4 CHIEF KING: I believe Evercom is the -- is
5 the data -- the recording, but I need to doublecheck
6 on that.
7 COUNCILMEMBER FLEMING: Yeah, because it
8 says facility inmate services.
9 CHIEF KING: I must have a different list,
10 ma'am. I'm sorry.
11 COUNCILMEMBER ROCHE: Here you go
12 (presenting).
13 CHIEF KING: I apologize, sir. Thank you.
14 COUNCILMEMBER FLEMING: It's the second one.
15 CHIEF KING: That might not be. Let me see.
16 I'm looking for their response.
17 COUNCILMEMBER FLEMING: Your request is to
18 renew these contracts or to --
19 CHIEF KING: Well, ask the city attorney --
20 COUNCILMEMBER FLEMING: -- have the attorney
21 to --
22 CHIEF KING: -- to go ahead and move
23 forward.
24 COUNCILMEMBER FLEMING: Drafting the
25 updates.

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1 CHIEF KING: Yes, ma'am.
2 ATTORNEY WEED: Obviously, if we get into it
3 and we find there are duplicative services, we'll come
4 back to you with that.
5 CHIEF KING: Yeah. Yeah. Let me double-
6 check that one, ma'am.
7 ATTORNEY WEED: And this probably goes
8 without saying, but I am going to say it: Prior to
9 2008, we have contracts that aren't signed, we have
10 contracts that one person signed but there may not be
11 a reflection in the ordinances, probably in the
12 minutes, that they were approved by Council.
13 This is the first year we've ever had an
14 opportunity to do it soup-to-nuts and to collate all
15 these things and get them right, and we're very proud
16 of the work we've put into that, and I think we're
17 going to get that done this year.
18 MAYOR PRO TEM PITTMAN: Okay.
19 ATTORNEY WEED: And we keep discovering
20 them. Every time I think we've -- Chief and I have
21 turned over the rock, we turn over another rock.
22 CHIEF KING: The vending machines was the
23 last. You know, we're going to negotiate with them
24 because we didn't have a contract because they were
25 using -- you know, they were keeping all the profits.

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1 So we want to negotiate with them because they're
2 using power from the police department, so we want to
3 get some of the revenue they're generating. So those
4 are some of the things we're dealing with.
5 COUNCILMEMBER BATES: We weren't paying
6 them, were we, to --
7 CHIEF KING: We weren't paying them a cent.
8 But they're taking a profit by selling products to our
9 employees, but they're using the City power, so they
10 ought to compensate the City for the use of power.
11 MAYOR PRO TEM PITTMAN: Okay. So I guess
12 contingent on finding that information out, do we get
13 a motion to move forward to having --
14 COUNCILMEMBER ROCHE: I have two questions.
15 MAYOR PRO TEM PITTMAN: Sure.
16 COUNCILMEMBER ROCHE: Actually, I handed my
17 list over to --
18 CHIEF KING: I apologize, sir. Let me give
19 it back to you (presenting).
20 COUNCILMEMBER ROCHE: We have two jail
21 services contracts.
22 CHIEF KING: Yeah, one with John's Creek and
23 the other one with Sandy Springs.
24 COUNCILMEMBER ROCHE: Right. And do you
25 anticipate us changing the rates on that? I think the

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last I heard it was $52.00 an hour but that was in four-hour increments?

CHIEF KING: Yes, sir.

COUNCILMEMBER ROCHE: I'm looking at the revenue as of February 28th, and it looks like, according to this, we've collected $125,000 out of a budgeted $300,000. If it tracks the way it's going to track, it looks like we're -- our 12 months is only going to be about $190,000 on this.

And I guess my question is that, you know, $52.00 an hour sounds like a lot until you realize that a lot of times people come in and they're out the door within four hours, and I think that works out to about $8.00 and change.

CHIEF KING: Yes, sir.

COUNCILMEMBER ROCHE: And my concern is that, you know, are we making any money? Is it costing us money to do this?

I mean I've never really seen a cost study of what it costs to, you know, process someone in, process someone out.

And I've also asked year after year for the jail revenues to be -- the jail profit and loss to be broken out as a separate department. I mean we break out the E911, we break out code enforcement, we break

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out -- even animal control is a separate department. You would think we'd have the jail as a separate department.

So it's difficult for us to make a decision as to whether or not these contracts are in our best interests or not when we don't know the costs.

CHIEF KING: Well, sir, I will tell you that the contracts are very advantageous to the City because the City didn't get a single cent prior to us getting these contracts with these other cities.

COUNCILMEMBER ROCHE: But we weren't housing prisoners and feeding prisoners, either.

CHIEF KING: You were, sir. You were feeding and housing prisoners that were arrested here in Doraville.

COUNCILMEMBER ROCHE: Well, I know, but not someone else's.

CHIEF KING: And so you were paying for the staffing, for the electricity. So now you're making -- actually, you're bringing in revenue that was not coming in to the City.

COUNCILMEMBER ROCHE: But we've increased the staff too.

CHIEF KING: No, you have not, sir. You're actually operating at a reduced staff. I have two

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openings at the jail.

COUNCILMEMBER ROCHE: I'm just asking to see some numbers; that's all.

CHIEF KING: Sir, the numbers have been part of every one of our reports every year. I know you've tried to get -- split out the jail. I recommended against it and your motion was not successful.

COUNCILMEMBER ROCHE: Yeah, I know. I'll keep at it.

COUNCILMEMBER BATES: Chief --

CHIEF KING: And I will continue making the same recommendation, sir.

COUNCILMEMBER ROCHE: And I'll continue making the same motion.

COUNCILMEMBER BATES: One of the questions that was brought up on the jail contracts was to try to front load the amount so that the intake process, we were going to, you know, recoup more on the front end versus it spread out over the minimum four hours.

CHIEF KING: And I think that is wise, sir, I would not recommend upping the $52.00 fee, but I think we -- it would be wise to get into negotiations with the cities to get additional moneys on the front end, because that's where the majority of the activity takes place. I think that's wise.

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Clearly, we're not the only show in town. It is a very competitive business that we're in now, and we almost lost this contract not too long ago. Actually, last year. With Smyrna, the city of Smyrna and other cities are getting on board, it's pretty competitive.

COUNCILMEMBER BATES: And that idea was not mine. I believe that Mr. Roche and Ms. Alexander --

COUNCILMEMBER ROCHE: Right.

COUNCILMEMBER BATES: -- had suggested the front loading.

COUNCILMEMBER ROCHE: That's why I asked the question earlier if we were going to modify this contract.

COUNCILMEMBER BATES: Well, then, you should have been a little bit more specific and asked a specific question.

COUNCILMEMBER ROCHE: Well, I did.

COUNCILMEMBER BATES: So I'm going to ask you specifically, Chief, if you would be -- and with Mr. Worry -- Mr. Murray --

Mr. Murray, Mr. -- Whatever your name is over there in the suit.

ATTORNEY WEED: That's the most appropriate nickname I've ever received.

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COUNCILMEMBER BATES: -- Mr. Weed to come up with an appropriate front loaded amount, because I agree with Mr. Roche and Ms. Alexander that the intake process is the most expensive, and if, you know, we're spending all of our resources in that first four-hour block of time, then we need to be compensated for that or at least adjust the compensation.

CHIEF KING: And I think that's a very reasonable approach, sir.

I'm just concerned about, you know, the way I understood of just upping the fees for the total, and I think if we stay within the $52.00 but adjust that four-hour front end, I think we will recoup some additional moneys but we won't run the risk of losing the overall contract.

COUNCILMEMBER PACHUTA: Right. Like something -- a higher rate for the first four hours --

CHIEF KING: That's correct.

COUNCILMEMBER PACHUTA: -- and a lower rate for the second four hours.

CHIEF KING: And we will look at that and we'll get into negotiations with the two -- with the two other cities.

COUNCILMEMBER ROCHE: And the contracts will come back to the Council for approval?

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ATTORNEY WEED: Yes.

CHIEF KING: Absolutely.

COUNCILMEMBER ROCHE: Thank you.

MAYOR PRO TEM PITTMAN: Okay.

COUNCILMEMBER ALEXANDER: What is the Datamax?

CHIEF KING: That is part of our forms. That's part of our forms that we use internally in the police department.

COUNCILMEMBER ALEXANDER: Your reports and things?

CHIEF KING: Yes, ma'am.

MAYOR PRO TEM PITTMAN: Okay. Do we get a motion to permit Mr. Weed to move forward on these contracts?

COUNCILMEMBER BATES: So moved.

COUNCILMEMBER ALEXANDER: With the exclusion of the copier.

CHIEF KING: That is correct.

MAYOR PRO TEM PITTMAN: Okay. Do I get --

CHIEF KING: We'll consolidate that with the rest of the City.

MAYOR PRO TEM PITTMAN: Okay. Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

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COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Motion carries.

We'll have Mr. Anderson to speak, but I just wanted to point out it's almost 10 o'clock. We do have two items that need to get taken care of, the Consolidate Employee Personnel Hearing; and the RFP's, we need to get those opened.

COUNCILMEMBER FLEMING: I make a motion to extend the meeting until we finish the agenda.

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COUNCILMEMBER BATES: Second.

MAYOR PRO TEM PITTMAN: Okay. Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Okay. Motion carries.

Mr. Anderson?

MR. ANDERSON: Good evening. Stuart Anderson.

Some of this is just putting things on record, but there's some interesting stuff in it as well.

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1 Recently I received a letter from the City
2 dated 2/11. It had reference home occupation, Psycle
3 Racing. It had several areas of interest, but I'll
4 address just the occupational tax portion of it toward
5 the bottom of this presentation.
6 On 12/27/2010, I brought my packet of zoning
7 appropriateness form -- which I will refer to
8 sometimes as ZF -- ZAF -- the occupational tax forms
9 and a Federal required form to the planning and zoning
10 office.
11 I was told the $50.00 zoning appropriateness
12 fee was required to be paid or the packet wouldn't be
13 accepted.
14 ZAF is the only form in this group that has
15 a fee written into it.
16 On questioning, Ruby told me that the ZAF
17 form would stay with planning and zoning, and I
18 pointed out that they had done that last year, and she
19 said the rest of the forms would be sent to City Hall.
20 She also told me that the $50.00 would
21 probably be applied to my occupational tax.
22 A couple weeks later, I called Sandra, the
23 occupational tax clerk, to inquire about the OT, the
24 occupational tax, and she told me that she hadn't
25 received the forms from planning but that she -- but

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1 when she did, that the $50.00 would be applied to the
2 occupational tax.
3 The City Council has addressed this refund
4 at a recent meeting, and I believe the question of
5 requiring businesses that had filed and been approved
6 for the ZAF recently don't need to resubmit their
7 subsequent ZAF's unless a change in business model is
8 made -- this being a statement also by the planner.
9 These forms shouldn't have been sent out.
10 As of 1/31/2011, I still hadn't received an
11 occupational tax bill or statement and made note of
12 this in this chamber with a hand-delivered letter.
13 Numerous businesses -- This is the more
14 interesting part. Numerous businesses that have
15 previously received ZAF approval received ZAF forms
16 and were required to pay the $50.00 fee.
17 This is probably an illegal fee and at least
18 inappropriate. The reason I can say this, the ZAF fee
19 appears nowhere in the legal ordinance passed by the
20 City Council or the Mayor.
21 Another abnormality is the ZAF fee is a fee,
22 not a tax, and thereby cannot be refunded to myself or
23 any other submitting businesses as part of our
24 occupational tax, it being a tax and not a fee, as
25 Murray so often tells us.

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1 So if the City Council wishes, as stated in
2 this chamber, to make these refunds to occupational
3 tax, then the funds will have to come from a budget
4 line item in general funds while the fee remains with
5 planning and zoning, a fee arbitrarily creating yet
6 another unknown budgeting process. I'm sorry. A fee
7 arbitrarily creating yet another unknown in our
8 budgeting process or the understanding thereof.
9 Zoning and planning should have no part in
10 the occupational tax process, and this is an illegal
11 fee set up by Mr. Haeberlin without fiat.
12 In reference to the above-mentioned letter
13 from the City, and I quote, "the City may issue 2011
14 home occupational placard," end quote.
15 I presented my occupational tax forms in a
16 timely manner. It is now -- I checked this last week,
17 2/22/2011, and now it's 3/7/11 and I haven't heard
18 from the City.
19 And we have a tax rebate problem to resolve.
20 Thank you.
21 MAYOR PRO TEM PITTMAN: Thank you.
22 COUNCILMEMBER FLEMING: Are we handling any
23 refunds at this point?
24 CLERK McCAIN: That's not money that came
25 through here. That's money that was left at the

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1 planning department. I'm not sure where they are on
2 that now that our planner is not there.
3 MAYOR PRO TEM PITTMAN: The only response
4 I've had from that is Ruby was told to hold it, not to
5 do anything with it. So hopefully when we have
6 someone up there --
7 COUNCILMEMBER FLEMING: Hold the moneys?
8 COUNCILMEMBER ROCHE: Hold the money?
9 MAYOR PRO TEM PITTMAN: That's what she
10 said.
11 COUNCILMEMBER ROCHE: Whoa.
12 COUNCILMEMBER ALEXANDER: The money should
13 be at City Hall where it's secure.
14 COUNCILMEMBER ROCHE: The money should have
15 been deposited by now.
16 MAYOR PRO TEM PITTMAN: But she was told to
17 hold the money. That was --
18 CLERK McCAIN: I don't know --
19 MAYOR PRO TEM PITTMAN: -- her response when
20 I asked.
21 CLERK McCAIN: -- what she was told. It was
22 an appropriateness fee and --
23 MAYOR PRO TEM PITTMAN: And she just said
24 that she --
25 CLERK McCAIN: -- they don't give us their

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fees.
MAYOR PRO TEM PITTMAN: Right. She said she had it and she was told by Mr. Haeberlin to hold it.
COUNCILMEMBER ALEXANDER: Who puts them in the bank?
CLERK McCAIN: She does her own deposit with Blanca.
MAYOR PRO TEM PITTMAN: We'll check on that again tomorrow with Mr. Bell.
COUNCILMEMBER ALEXANDER: Yes, because --
MAYOR PRO TEM PITTMAN: But when we asked, that's what we were told.
COUNCILMEMBER FLEMING: Okay.
MAYOR PRO TEM PITTMAN: All right.
COUNCILMEMBER ROCHE: I just want to say that I think we definitely need to change that. Any receipts that come into the City need to immediately -- they need to be within the bank within less than 24 hours. What if it was cash? What if someone broke in?
CLERK McCAIN: That's how we have it --
MAYOR PRO TEM PITTMAN: That's how it's done.
CLERK McCAIN: -- at City Hall.
COUNCILMEMBER ROCHE: But you just said that

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--
MAYOR PRO TEM PITTMAN: But she's got that because she was told to hold it by Mr. Haeberlin, who was her supervisor, and we didn't know that until recently.
COUNCILMEMBER FLEMING: So you're changing that.
COUNCILMEMBER ROCHE: So we're changing that.
MAYOR PRO TEM PITTMAN: Absolutely.
COUNCILMEMBER FLEMING: Thank you very much.
MAYOR PRO TEM PITTMAN: That's going to be handled.
COUNCILMEMBER FLEMING: Thank you very much.
CLERK McCAIN: That's not a procedure the City authorizes.
MAYOR PRO TEM PITTMAN: That's correct.
COUNCILMEMBER FLEMING: Thank you very much.
COUNCILMEMBER ROCHE: Okay.
MAYOR PRO TEM PITTMAN: That's done by a direct supervisor up there, so --
MR. ANDERSON: $17,000 or more.
MAYOR PRO TEM PITTMAN: I don't know how much but -- Okay. Mr. Bell will be there tomorrow; we'll get on that immediately.

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COUNCILMEMBER ROCHE: Thank you very much.
MAYOR PRO TEM PITTMAN: Okay. The next item is going to be No. 13, Alcohol Amendment - Distance Requirements.
COUNCILMEMBER FLEMING: That's not really me.
COUNCILMEMBER ALEXANDER: Oh, yes it is.
ATTORNEY WEED: It's got your name on it.
COUNCILMEMBER ALEXANDER: Go Pam.
COUNCILMEMBER FLEMING: Okay. Okay. I make a motion to adopt the deletion of the -- are we doing distances?
COUNCILMEMBER ALEXANDER: Do we need to waive first reading?
ATTORNEY WEED: Yes. We should waive first reading.
And of course all this ordinance does, it carries out the will of the Council and it deletes the on-premises distance requirements. And the only -- the actual text of it is reserved, quote/unquote, under Section 320 (E).
COUNCILMEMBER ALEXANDER: That may be the shortest ordinance you've ever written, Mr. Weed.
ATTORNEY WEED: If I could write it shorter than this, I promise you I would.

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COUNCILMEMBER PACHUTA: I make a motion to waive first reading on the ordinance deleting the distances for on-premises consumption.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER ALEXANDER: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER FLEMING: I have a question.
Mr. Weed, on the ordinances that you've been writing since we've been codified, since the numbering system --
ATTORNEY WEED: Yes.
COUNCILMEMBER FLEMING: -- has changed with Municode, is it being or do we -- You're going with what we previously had or --
ATTORNEY WEED: Yes. That is a great question that only you and us lawyers would care about, but here's the answer since you brought it up. For example, according to Municode, zoning is done 23-1000. That's the first section of zoning.
Eventually, counsel will ask you to readopt all the ordinances, and you're going to be readopting this book literally, and when we do that, we're going to convert all the numbers over to those numbers.
The numbers I'm using are the numbers that -- prior to MCC. So you know, the zoning ordinance is

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still 1001, but after you adopt the MCC book, we'll convert all the numbers over. And that's common.

COUNCILMEMBER FLEMING: And then at that time, the ordinances would be written applicable to or following suit with the new book?

ATTORNEY WEED: And the numbering in the new book, yes.

COUNCILMEMBER FLEMING: Okay. Thank you very much. I apologize for the inconvenience.

COUNCILMEMBER BATES: No, no. That's a great question.

ATTORNEY WEED: Yeah. Yeah. It comes up -- comes up a lot. The reason why we haven't done it yet is because obviously this book contains the zoning ordinance, which means you've got to do a ZPA ad, and we'll get you to redo the -- we're going to redo the map and look into everything at one time.

COUNCILMEMBER FLEMING: All right. Thank you.

MAYOR PRO TEM PITTMAN: Additional discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll,

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please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

COUNCILMEMBER PACHUTA: I make a motion that we adopt the ordinance.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER FLEMING: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

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CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Okay. Motion carries.

The next item is NO. 14, Alcohol Amendment -- Employee/Cashier Permits, Ms. Fleming.

COUNCILMEMBER FLEMING: Well, this one I am going to speak real quick on. I think there's a couple of us that may have questions.

Mr. Weed, on page 2 of 4 --

ATTORNEY WEED: Okay.

COUNCILMEMBER FLEMING: -- "No person shall be employed to dispense, sell, serve, take orders or mix alcoholic beverages," and I don't --

ATTORNEY WEED: That's the language you guys agreed to originally.

What you deleted were the words "stock" and "handle," and you wanted to clarify that the manager that this section was talking about was the manager in an alcohol beverage managerial position.

Now, bear in mind, you essentially approved

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this ordinance. This is your first amendment to the section, and then you wanted to do another amendment to it. But since you approved this, my recommendation editorially is to go ahead and adopt this, and then as you continue to further deal with other revisions, we'll do those. But you had already -- this is an ordinance you guys approved some time ago. This is the first opportunity we had to get it in black and white.

COUNCILMEMBER FLEMING: Yeah, but it's just done today, final --

COUNCILMEMBER ROCHE: Yeah.

COUNCILMEMBER FLEMING: -- 3/7.

ATTORNEY WEED: Right, right. But it was actually -- the first time you guys approved it was -- it's talking about prior to January the 7th.

COUNCILMEMBER FLEMING: I'm sorry?

ATTORNEY WEED: You certainly were talking about it prior to January the 7th, and that's when you first started dealing with the issue.

COUNCILMEMBER FLEMING: Okay, but on January the 31st when we had the businesses here, was that not one of the zoning meetings, the second zoning meeting that we had of January, that we deleted cashiers?

And it you throw "sell" in there, I become a

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1 seller if I am a cashier. And so I've got a problem
2 with the word "sell" in there.
3 And I'm not real cool on "dispense," either.
4 COUNCILMEMBER ALEXANDER: Well, dispense
5 would be pulling a beer on a tap, so I would want a
6 permit for that.
7 COUNCILMEMBER BATES: Yeah. I --
8 COUNCILMEMBER FLEMING: Sell. Okay. Well,
9 I was looking at it from giving you --
10 COUNCILMEMBER ALEXANDER: Oh.
11 COUNCILMEMBER FLEMING: -- dispensing to
12 you.
13 COUNCILMEMBER BATES: Well, I'm with
14 Ms. Alexander. I think "dispense" would be pouring it
15 from a bottle or out of a tap or something along that
16 line, and I do want employee permits for that.
17 But I do agree with --
18 COUNCILMEMBER FLEMING: Well, then, should
19 we say that this applies to consumption on premises,
20 then, rather than all this bunch of other?
21 ATTORNEY WEED: If this is helpful, the
22 original wording from when it was first adopted was,
23 "No person shall be employed to dispense, sell, serve,
24 stock, handle, take orders or mix alcoholic beverages,
25 or in any managerial position, by an establishment

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1 holding an alcohol beverage license unless such person
2 has been investigated by the Chief of Police or his
3 designee by making application to the City Clerk on a
4 form prescribed by the City Clerk."
5 And Council, as I said, removed some of that
6 wording, particularly "stock" and "handle," and you
7 wanted further clarification of that the manager was
8 in a managerial position related to alcoholic
9 beverages.
10 COUNCILMEMBER BATES: Well, let me ask this
11 question, because I'm following your line of thinking,
12 I think: Is there a reason that we would want a
13 grocery store or a convenience store or a wholesale
14 store to have any of their employees to have an
15 alcohol permit? And if the answer to that is yes,
16 then we need to address the selling piece. If the
17 answer to that is no, then we need to modify this to
18 be only consumption on premise.
19 COUNCILMEMBER FLEMING: My personal
20 preference is to answer your question by saying no. I
21 feel that we need to take the "sell" out of this
22 ordinance because I think we're going to find
23 ourselves with, you know, a brand new business that's
24 going to be rotating employees and calling in sick
25 people and, you know, calling in for replacement for

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1 sick people, and we're going to get into a problem
2 there. And so my preference is to take "sell" out of
3 this.
4 ATTORNEY WEED: So you wouldn't want
5 bartenders to have to get an employee permit.
6 COUNCILMEMBER BATES: They would, because
7 they'd be dispensing --
8 COUNCILMEMBER ROCHE: Dispensing.
9 COUNCILMEMBER BATES: -- and mixing.
10 COUNCILMEMBER FLEMING: Yeah.
11 ATTORNEY WEED: I -- you know, I mean I'd
12 like to ask the Chief what he thinks, but I --
13 COUNCILMEMBER FLEMING: You've got in there
14 "or mix alcoholic beverages."
15 COUNCILMEMBER ALEXANDER: But "sell" --
16 ATTORNEY WEED: That is there, but to
17 sell --
18 COUNCILMEMBER ALEXANDER: -- I mean that
19 implies they could give it away.
20 COUNCILMEMBER FLEMING: I'm sorry?
21 COUNCILMEMBER ALEXANDER: That implies they
22 could give it away.
23 I'm not comfortable with taking the word
24 "sell" out of there. I think what we want to
25 accomplish is to fix the issue we've got with the

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1 cashiers --
2 COUNCILMEMBER PACHUTA: But maybe --
3 COUNCILMEMBER ALEXANDER: -- at grocery
4 stores and convenience stores.
5 COUNCILMEMBER PACHUTA: Maybe put in some
6 language just that cashiers are not included in this.
7 COUNCILMEMBER ALEXANDER: And we cannot
8 apply this for on consumption [sic] only?
9 COUNCILMEMBER ROCHE: That would seem like
10 the simplest solution: on consumption only. On
11 premises.
12 ATTORNEY WEED: So for any -- for a liquor
13 store or a convenience store or any retail sales
14 outlet -- and I'm asking; this isn't a judgement, I'm
15 asking you -- Council would not want the people
16 selling it to have to have a criminal background
17 check. And that's fine with me if that's what you
18 want to do.
19 COUNCILMEMBER ROCHE: That sounds like an
20 extreme part of this argument, but I think the answer
21 is yes. I think that was the whole point.
22 COUNCILMEMBER FLEMING: And when we tried to
23 fix this before, Ms. Alexander came up with an
24 excellent idea about they needed to be 21, and then
25 that was thrown out.

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ATTORNEY WEED: We can't do it that way.
COUNCILMEMBER FLEMING: So I'm all for consumption on premises rather than --
COUNCILMEMBER PACHUTA: But I definitely want managers of liquor stores and convenience stores --
COUNCILMEMBER FLEMING: There has to be somebody on duty --
COUNCILMEMBER PACHUTA: -- that does.
COUNCILMEMBER FLEMING: -- at alcoholic places to be permitted or should just -- the placard itself, I mean they've already gone through a -- you know, the owner or whatever.
ATTORNEY WEED: Let me ask this question. What are we -- what is the ill we're really trying to cure? Is the ill we're really trying to cure to allow grocery store cashiers to be able to sell alcoholic beverages without having to go through a background check? Is that what we're trying to accomplish or --
COUNCILMEMBER FLEMING: It's not just grocery stories.
COUNCILMEMBER ROCHE: Like if a Racetrac or Quik Trip opened up here and they sell beer.
COUNCILMEMBER FLEMING: Or the Shell on the corner or Angler's Corner over here.

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ATTORNEY WEED: Okay.
COUNCILMEMBER FLEMING: So where are we?
ATTORNEY WEED: I will...
COUNCILMEMBER ROCHE: If we pass this striking the word "sell," would that not accomplish what we're trying to do here?
ATTORNEY WEED: I like the idea of trying to differentiate between on-premises consumption and retail sales --
COUNCILMEMBER ROCHE: Okay.
ATTORNEY WEED: -- meaning that if the -- and I'm asking; I'm not dictating, I'm asking -- Do you want the waiters and waitresses to have to have a criminal background check?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PRO TEM PITTMAN: Yes. I'm sorry. Yes.
COUNCILMEMBER FLEMING: Waiters and waitresses?
MAYOR PRO TEM PITTMAN: Yes.
ATTORNEY WEED: Chief, do you have any comments about this?
CHIEF KING: Yes. I just was waiting for Council to give me the chance. You guys are pretty...
I would strongly recommend -- I will

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strongly recommend that you mandate that bartenders, waiters, waitresses that serve alcohol for consumption go through a background, because they're actually dealing with.
And I think some of the comments that you heard as far as the "sell," retail sales, I don't think -- it's not that necessary.
I know that the supermarket said that he would have his manager or the managers would go through a background, and they were -- I think they were okay with that.
The caution that he did not want to go through was the cashiers, because of turnover. They have an incredible amount of turnover they have for cashiers.
I think that's kind of capturing the comments that I've heard.
My interest is in the people that actually open a beer and pour it. That's my -- including bartenders.
ATTORNEY WEED: Based upon that -- and I'm not saying that's what you're going to do -- perhaps it would be wise to differentiate between retail sales but require that all managers, as compared to on-premises sales -- but require that all managers of

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both retail sales establishments and also on-premises, that they have to go through a background check.
COUNCILMEMBER FLEMING: That means that everybody over at Monterrey's, for instance.
ATTORNEY WEED: Yes.
COUNCILMEMBER BATES: Yes.
COUNCILMEMBER ALEXANDER: Well, they have to have a card.
CHIEF KING: They do have.
COUNCILMEMBER ALEXANDER: That's the way it is in the county.
COUNCILMEMBER FLEMING: It is for all waitresses and waiters?
COUNCILMEMBER PACHUTA: Yeah, and it's the way it is in Dunwoody and Norcross.
COUNCILMEMBER FLEMING: So even 16-year-olds, even those --
COUNCILMEMBER ALEXANDER: You can't sell alcohol at 16.
- - -
(Overspeaking)
- - -
ATTORNEY WEED: 18-year-olds.
THE REPORTER: One at a time, please, if you want it on the record. Thank you.

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COUNCILMEMBER FLEMING: If you've got a 16-year-old waitress.
COUNCILMEMBER ALEXANDER: He can't sell alcohol.
MAYOR PRO TEM PITTMAN: Yeah.
- - -
(Overspeaking)
- - -
COUNCILMEMBER ALEXANDER: Yes, it's against State law for them to sell alcohol.
COUNCILMEMBER FLEMING: So if you gave your order to a 16-year-old waitress at Chili's or Applebee's or someplace like that, and you wanted a beer, she would not be able to take the order?
COUNCILMEMBER ALEXANDER: That is correct.
COUNCILMEMBER FLEMING: Okay.
CHIEF KING: She can take the order, but usually what happens is an 18-year-old or above actually comes and brings --
ATTORNEY WEED: Brings it to the table.
MAYOR PRO TEM PITTMAN: That is correct.
COUNCILMEMBER ALEXANDER: And it's not only that in the county. In the county, if you don't have a server's card, I don't care if you're 110, you're not supposed to take the order.

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COUNCILMEMBER FLEMING: Okay. I wasn't aware. That's the reason why I was asking.
CHIEF KING: That is a very normal procedure, ma'am. They just have an 18-year-old actually bring the beer.
COUNCILMEMBER FLEMING: That's fine.
COUNCILMEMBER BATES: Consumption on premises and managers.
ATTORNEY WEED: For both.
COUNCILMEMBER BATES: For both.
ATTORNEY WEED: Is that a general concept you like? Okay. All right. I'll work on that.
COUNCILMEMBER FLEMING: So we're not going to waive the first reading. We're going to wait for . . .
MAYOR PRO TEM PITTMAN: So what are we doing with this item?
COUNCILMEMBER FLEMING: Consumption on premises, we're waiting for the next draft.
COUNCILMEMBER ROCHE: We've got to make a motion to put it on the next agenda just in case.
COUNCILMEMBER FLEMING: For the 3/21?
ATTORNEY WEED: It'll just be old business for 3/21.
COUNCILMEMBER ROCHE: Okay.

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COUNCILMEMBER FLEMING: Okay. Old business, 3/21.
MAYOR PRO TEM PITTMAN: Thank you.
COUNCILMEMBER ROCHE: The next item is going to be Gravel Driveways, Ms. Fleming?
COUNCILMEMBER FLEMING: The evening Mr. Bates and Mr. Roche suggested that we extend the date, and that's all I want to do this evening as far as the ordinance to amend Driveways, Section 5-40.
What has been changed is to extend the deadline when all gravel driveways are to be removed and replaced with asphalt or concrete, pavers, et cetera, is being extended to September 15th, 2011.
And if we wish to get this on record since time is of the essence because I think it's -- if I'm not mistaken, it's 3/21 this year, is it not?
ATTORNEY WEED: Yes.
COUNCILMEMBER FLEMING: 3/21 this year. Okay.
So I'd like to make a motion to waive the first reading of the amendment to the Driveway Section 5-40 to allow the extension to be until September the 15th, 2011.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Second.

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MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
COUNCILMEMBER FLEMING: I'd like to make a motion to adopt the amendment to Driveways, Section 5-40, to make the extension of the deadline September 15th, 2011.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER ROCHE: If it's -- maybe I got

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1 the wrong copy here. Mine says final, March 7.
2 COUNCILMEMBER BATES: It was provided to you
3 this evening. It was one of the extra pages.
4 COUNCILMEMBER ROCHE: Oh. Okay. Sorry.
5 MAYOR PRO TEM PITTMAN: Okay. Call the
6 roll, please.
7 CLERK McCAIN: Councilmember Alexander?
8 COUNCILMEMBER ALEXANDER: Yes.
9 CLERK McCAIN: Councilmember Bates?
10 COUNCILMEMBER BATES: Yes.
11 CLERK McCAIN: Councilmember Fleming?
12 COUNCILMEMBER FLEMING: Yes.
13 CLERK McCAIN: Councilmember Pachuta?
14 COUNCILMEMBER PACHUTA: Yes.
15 CLERK McCAIN: Councilmember Roche?
16 COUNCILMEMBER ROCHE: Yes.
17 MAYOR PRO TEM PITTMAN: Motion carries.
18 ATTORNEY WEED: I just wanted to mention,
19 Council, we're going to need to modify Section 607 of
20 the zoning code. This language is parallelled in the
21 zoning code. Obviously we couldn't do that tonight
22 because we couldn't get an ad run in time, but as soon
23 as we do, we will.
24 COUNCILMEMBER FLEMING: Does it have a date
25 in 607?

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1 ATTORNEY WEED: It says six years. It
2 doesn't have a date. It just has --
3 COUNCILMEMBER FLEMING: Okay.
4 ATTORNEY WEED: -- six years. It's kind of
5 oddly written.
6 COUNCILMEMBER FLEMING: Okay. All right.
7 ATTORNEY WEED: So we might actually have a
8 little bit more play time in that area, but I wanted
9 you not to forget we have to fix that too.
10 MAYOR PRO TEM PITTMAN: Okay. The next item
11 is going to be No. 16, Consolidate Employee Personnel
12 Hearing, Mr. Weed?
13 ATTORNEY WEED: Yes, ma'am. This short
14 version of this is that you made some modifications to
15 the personnel handbook. On August 23 of 2010 and
16 September 20 of 2010 and November the 15th of 2010,
17 you made some modifications to create a hearing
18 procedure for employee appeals. Those ordinances are
19 on the books. They haven't been sent to Municipal
20 Code Corporation yet.
21 Two of the ordinances, the one dated
22 September 20th and November the 15th, there are two
23 different sections. The first section is kind of an
24 introduction but it also deals with Council extended
25 the time frame that an employee had to turn in their

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1 paperwork to appeal, and Council created a time frame,
2 a deadline on the City about when you would have to
3 have a hearing scheduled. And the second part of E
4 dealt with an actual procedure.
5 What this ordinance does, I could probably
6 have just done through Municipal Code Corporation, but
7 because there probably is going to be an appeal soon,
8 I wanted to go ahead and combine the two of these
9 things together into one ordinance so there wouldn't
10 be any question whatsoever as to what Council's
11 intentions were.
12 So that's what this ordinance does. Once
13 again, the sections are already on the books and have
14 been since the dates I've mentioned. All this
15 ordinance does is consolidate the two sections under-
16 neath one lettering system, which is E.
17 COUNCILMEMBER FLEMING: Previously, first
18 time we took this up as far as the criteria to be used
19 for the complaint procedure or the public hearing, I
20 voted no for this because I really felt that item
21 number 7 needed to allow testimony.
22 But we have in this statement that
23 employee's general character or general work habits,
24 previous employment with us would not be considered
25 testimony, and that's why I was not in favor of it

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1 then and I am not in favor of it now.
2 COUNCILMEMBER ROCHE: The version I have
3 says, "Irrelevant testimony about an employee's
4 general character or general work habits will not be
5 allowed."
6 COUNCILMEMBER FLEMING: Uh-huh.
7 COUNCILMEMBER ROCHE: Does that mean that if
8 an employee has had -- you know, maybe been written up
9 or reprimanded or has all these in his personnel
10 file --? To me, that's relevant, so I would think
11 that that would be allowed to be presented also if it
12 happened to bear on the actual hearing.
13 COUNCILMEMBER PACHUTA: But then it is
14 relevant.
15 COUNCILMEMBER FLEMING: What if they're a
16 stellar employee?
17 COUNCILMEMBER PACHUTA: Then it is relevant
18 so it would be allowed.
19 COUNCILMEMBER FLEMING: No. Who's going to
20 make that interpretation?
21 ATTORNEY WEED: The Mayor and Council.
22 COUNCILMEMBER ROCHE: So if we fire somebody
23 for stealing money, then would that person be able to
24 say, "Well, the fact that I've been written up five
25 times before is not relevant because those times you

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wrote me up didn't have to do with stealing money?"
ATTORNEY WEED: They can say that, and the Council would determine if that testimony was relevant or not, and you would either allow it or you wouldn't.
COUNCILMEMBER ROCHE: Okay.
MAYOR PRO TEM PITTMAN: So do we need a motion to consolidate this?
COUNCILMEMBER PACHUTA: Well, we need a motion to waive first reading; is that correct?
MAYOR PRO TEM PITTMAN: Okay.
ATTORNEY WEED: Yes, that's correct.
COUNCILMEMBER PACHUTA: I make a motion to waive first reading consolidating the two ordinances that we already have in place.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?

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COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Motion is to consolidate, correct?
CLERK McCAIN: Motion to waive first reading.
ATTORNEY WEED: Right now it's just waive the first reading.
COUNCILMEMBER FLEMING: I apologize. Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
MAYOR PRO TEM PITTMAN: Motion carries.
COUNCILMEMBER PACHUTA: I make a motion to consolidate the employee personnel hearings into one ordinance.
MAYOR PRO TEM PITTMAN: Do I get a second?
COUNCILMEMBER BATES: Second.
MAYOR PRO TEM PITTMAN: Discussion?
COUNCILMEMBER ROCHE: Yeah. I just wanted to say one more time that irrelevant testimony about an employee's general character. So I guess what that means is the Council could decide that we're not going to hear from anybody as far as what a great person

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they are or what a terrible person they are.
ATTORNEY WEED: That is possible.
COUNCILMEMBER PACHUTA: We would decide if it's relevant or not.
ATTORNEY WEED: Yeah. The basic --
COUNCILMEMBER ROCHE: We wouldn't know until they said something.
ATTORNEY WEED: The basic concept would be to give the Council, who is the arbiter of the issue, the opportunity to limit the testimony so there wouldn't be 50 people who said, "Oh, Bob is a great guy." And I picked Bob --
COUNCILMEMBER ROCHE: Thank you.
ATTORNEY WEED: -- at random. And you know, "Joe's a great guy," "Joe's a great guy," "Joe's a great guy." And how many times do you want to hear that?
That's the concept: so that you'd have some control over how many people would get up to say "Bob is a great guy."
COUNCILMEMBER ROCHE: I'm just -- for me, you know, for me, a general principle is that, you know, if people want to come before the Council and voice their opinions, they should be allowed to.
MAYOR PRO TEM PITTMAN: Additional

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discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: No.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK McCAIN: Councilmember Roche?
COUNCILMEMBER ROCHE: No.
MAYOR PRO TEM PITTMAN: Motion carries. Thank you.
The next item is opening the RFPs for attorneys.
- - -
(Brief recess)
- - -
COUNCILMEMBER ROCHE: As far as opening these, is it possible to simply just open the bids and

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then name the people who submitted the responses without having to dig through and find the dollar amount?

ATTORNEY WEED: Yes, sir. I mean according to 2-90, you're not required to do this bid at all, but since you've elected to do bids, you can do it however you want to, meaning you could simply open them. All the ordinance says is if you're going to do bids, that you open them publicly.

COUNCILMEMBER ROCHE: Okay. I was just -- if the Council prefers that, that's up to y'all. Just to save a little bit of time.

MAYOR PRO TEM PITTMAN: Council, your wishes are to read the amounts and the names or just the names?

COUNCILMEMBER PACHUTA: Let's just read the names, because I think we're going to have to go through these in detail later, at another time, anyway, so --

COUNCILMEMBER ROCHE: That's true.

All right. First of all, I have Freeman Mathis & Gary, LLP. And for the record, I don't know if this was sealed originally but it's not sealed now.

COUNCILMEMBER ALEXANDER: I have the Samuels Firm out of Buford, Georgia.

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COUNCILMEMBER FLEMING: I couldn't hear you.

COUNCILMEMBER ALEXANDER: The Samuels firm out of Buford, Georgia.

COUNCILMEMBER PACHUTA: I have Riley McClendon out of Marietta and I also have Fowler, Hein, Cheatwood & Williams out of Atlanta.

MAYOR PRO TEM PITTMAN: I have Mahaffey Pickens Tucker out of Lawrenceville.

COUNCILMEMBER ROCHE: And I have Carothers & Mitchell, LLC, from Buford, Georgia.

COUNCILMEMBER ALEXANDER: I have Coleman Talley out of Atlanta, and it's not sealed. I have Weber Ford & Anderson of Dunwoody.

MAYOR PRO TEM PITTMAN: I have Thompson O'Brien out of Norcross.

COUNCILMEMBER FLEMING: I have Maddox, Nix, Bowman and, spelling, Z-o-e-c-k-l-e-r, out of Conyers and Ficher Denmark and Williams out of Jonesboro.

COUNCILMEMBER BATES: I have Jenkins, Olson & Bowman.

COUNCILMEMBER ALEXANDER: Henderson & Hundley, H-u-n-d-l-e-y, out of Decatur.

MAYOR PRO TEM PITTMAN: Is that it? No one else?

COUNCILMEMBER FLEMING: How many total?

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CLERK McCAIN: I didn't catch all of them writing them down. I believe there was 13 when they were dropped off to me.

ATTORNEY WEED: 13.

COUNCILMEMBER PACHUTA: Okay. I make a motion that the City Clerk -- I think there's six copies in all of these -- put copies in our boxes for us to review.

COUNCILMEMBER ROCHE: Second.

COUNCILMEMBER ALEXANDER: I believe that those were supposed to be sealed, so there may be some that she has to disqualify.

CLERK McCAIN: And there are supposed to be nine copies.

COUNCILMEMBER ROCHE: Is the fact they're not sealed disqualification?

CLERK McCAIN: I'd have to read the RFP --

COUNCILMEMBER ROCHE: Okay.

CLERK McCAIN: -- to see if that was requested in the RFP.

CLERK McCAIN: Okay. If you'd just leave them on your desk, then I will pick them up.

MAYOR PRO TEM PITTMAN: So did you have a motion that you were trying to make, or somebody?

COUNCILMEMBER PACHUTA: I just made a motion

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that she put the copies of each one in our box for us to review.

CLERK McCAIN: So you'd like to review; and put them together, one of each in the boxes for review.

MAYOR PRO TEM PITTMAN: Yes.

Okay. And that's a motion?

Second?

COUNCILMEMBER ROCHE: Second.

MAYOR PRO TEM PITTMAN: Discussion?

COUNCILMEMBER ROCHE: And I think we should probably pick the top three and go from there.

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

CLERK McCAIN: Councilmember Roche?

COUNCILMEMBER ROCHE: Yes.

MAYOR PRO TEM PITTMAN: Motion carries.

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And you will be happy to know there is no New Business.

Reports from Commissions?

Public Comments, three minutes. Please line up at the podium.

MS. CALVERT: I have an exciting announcement. The seniors, senior citizens from North Dekalb are finally getting a building built for them. A meeting will be held at 10 o'clock at Senior Connections on Peachtree and Malone. The architect will be there for seniors' input, Elaine Boyer and Kathy Gannon will be there.

We are inviting council members from the whole surrounding area to come and help us with our vision for a senior connection.

And by the way, Zaxby's is building over there in Chamblee.

From what I understand, contracts are good, but there needs to be a faster way of doing this. If I was going to teach an art class at the arena, I wouldn't want to wait a whole month. I'd start looking for someplace else.

So why cannot the Mayor and the department head get together and decide this? And that could be done within a day or two because our Mayor is here all

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the time; whereas if they have to wait for a Council meeting, it takes over a month for them to get to be able to start a class. Please, start thinking about something that will make this faster.

COUNCILMEMBER FLEMING: Thank you, Ginny.

MAYOR PRO TEM PITTMAN: Thank you, Ginny.

MS. CALVERT: Thank you.

UNIDENTIFIED SPEAKER: When is that meeting?

MS. CALVERT: 10 o'clock Friday.

MAYOR PRO TEM PITTMAN: Okay. Anyone else?

COUNCILMEMBER PACHUTA: Motion to adjourn. Oh.

COUNCILMEMBER FLEMING: Whoops.

MR. HART: I heard somebody make a statement that the planning and zoning office was an illegal fee; it wasn't based on anything that the zoning office could charge. I think that's a pretty bold statement and I think the Council -- it behooves them to check that out and make sure that they know what they're talking about before they start waving the ax.

Second of all, the fees being charged by all these departments, particularly the Parks & Recreation department, there's no basis for those fees either. So I think you need to check other than hearsay evidence. Check on the facts before you start making

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any statement.

The third thing is, you know, it's been brought to my attention and it's kind of concerning to me that the biggest problem this City has had in the past -- and this goes back not just the last three years, the last 15 years -- is in the Clerk's office. And it's not Melissa. It's the fact that permits and business licenses or tax I.D.'s or whatever you want to call it have been handed out like popcorn here, which has caused a major problem in the City. Building permits, business licenses, all these arguments you have, it starts right there in that office with the permit clerk that hands somebody a license. I don't care if it's a massage parlor. And half these people don't get a license. Half the people that do have a license haven't applied for their current license.

And we have like, for instance, a machine shop in the middle of an R-1 neighborhood. Okay? We've got a wood pile down here on Chestnut, okay, that's a lumber yard, and they got termites on both sides, wood roaches and everything else. It's a major problem, and it starts in that office.

It's been brought to my attention over here on Clearview there is a paint shop that you guys never

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saw the light of day; just handed it across that counter over there. Did they get a fire marshall? Did it get an interior? I mean did anything happen there? Someone just handed it right across the counter to an employee of the City.

Now, I'm just a little concerned. You just hired this new guy for $166,000 a year, God help us if he works 40 or 50 hours a week. Do you know anything about this guy?

You just did these architectural standards and didn't even blink an eye, just passed it right on through.

You have a set of double standards here, and it starts right there. The problem has been in the Mayor's office, the problem has been in the permit clerk, it's political favors to people. And I'm going to make an Open Records request of all the permits being issued this past year and find out what's going on.

MAYOR PRO TEM PITTMAN: Thank you.

MR. HART: Thank you.

MR. CRAWFORD: One thing I'd like to bring up is I actually work processing permits for the State of Georgia the last probably five and a half years and also boiler permits, and I probably have on my desk

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1 sitting right now about $14,000 worth of checks. And
2 we have in our office at one time maybe we have
3 $80,000 worth of checks and we also have large amounts
4 of cash. We have a procedure. When it goes down to
5 finance, the finance department handles it.
6 $17,000, as I heard from somebody sitting in
7 the audience. How he knew, I don't know, but was that
8 laying on Ruby's desk? Was that laying on Scott's
9 floor? Was that in a wastebasket? These things get
10 thrown out. You know, out here the information gets
11 thrown out. Where was that stuff? Where did this
12 gentleman get his information from?
13 But is that money -- is that the procedure
14 that the previous Mayor told him that every four days
15 you turn the money in? every 10 days you turn the
16 money in? Was that any of that looked into? That's a
17 question.
18 The other thing I'd like to mention as I
19 mentioned earlier, we have a guy that has a commercial
20 business in R-1 standing right behind me. He'd like
21 to continue using his commercial business in R-1. He
22 got a placard last time. Stood here in a City Council
23 meeting and openly said that he lied on his
24 application twice during that meeting. I was right
25 here, and you people were here to.

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1 I went to the Mayor, and I said, "Mayor, you
2 need to take some action like taking his occupational
3 placard away from him."
4 The Mayor refused to do it. Don't know why
5 that didn't happen. Should have been done.
6 There's no way that this gentleman should
7 get an occupational placard for a commercial business
8 in R-1. It didn't belong there then and it certainly
9 doesn't belong there now. It degrades the
10 neighborhood; it degrades the community. Thank you.
11 MR. ANDERSON: Stuart Anderson.
12 Seventeen thousand-five was a multiplication
13 of $50 times 350, which Sandra Bryant told me was how
14 many --
15 MR. CRAWFORD: I wasn't even through.
16 MR. ANDERSON: -- was how many -- was how
17 many --
18 COUNCILMEMBER FLEMING: Occupation.
19 MR. ANDERSON: -- occupation -- not
20 occupational -- not the occupational taxes but
21 appropriateness forms were handed in with $50.00. So
22 that was just a multiplier on that.
23 And as far as the occupational tax, my
24 business has been granted an occupational tax license
25 for 27 years from the County and the City. It's not

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1 M-2 or M-1. I consult professional motor sports and I
2 consult zoning matters. That's what I do. And I'm
3 not an illegal welding shop like Mr. -- he was just
4 standing here a minute ago -- runs or an illegal auto
5 repair place like the fellow before him. Neither one
6 of them have applied for a business license, and both
7 of them do those activities at their homes.
8 COUNCILMEMBER ALEXANDER: Motion to adjourn.
9 MAYOR PRO TEM PITTMAN: Do I get a second?
10 COUNCILMEMBER PACHUTA: Second.
11 MR. CRAWFORD: Wait a minute. Can I respond
12 to that?
13 COUNCILMEMBER ALEXANDER: That's between you
14 two gentlemen.
15 MR. CRAWFORD: Okay.
16 MAYOR PRO TEM PITTMAN: Call the roll,
17 please.
18 CLERK McCAIN: Councilmember Alexander?
19 COUNCILMEMBER ALEXANDER: Yes.
20 CLERK McCAIN: Councilmember Bates?
21 COUNCILMEMBER BATES: Yes.
22 CLERK McCAIN: Councilmember Fleming?
23 COUNCILMEMBER FLEMING: Yes.
24 CLERK McCAIN: Councilmember Pachuta?
25 COUNCILMEMBER PACHUTA: Yes.

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1 CLERK McCAIN: Councilmember Roche?
2 COUNCILMEMBER ROCHE: Yes.
3 MAYOR PRO TEM PITTMAN: Motion carries.
4 - - -
5 (Meeting adjourned at approximately 10:40 p.m.)
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C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 14th day of March 2011.

_____

Theresa Bretch, CCR
Permit No. B-755

[SEAL]

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